

**Congress of the United States**  
**Washington, DC 20515**

May 12, 2017

The Honorable Rod Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530

Dear Mr. Deputy Attorney General:

We are writing to request your assistance in addressing the crisis of confidence created by Attorney General Jeff Sessions when he participated directly in the decision to fire FBI Director James Comey despite the fact that he previously recused himself from any actions involving the investigations of the Trump and Clinton presidential campaigns.

If the facts now being reported are accurate, it appears that the Attorney General's actions in recommending that President Trump fire Director Comey may have contradicted his sworn testimony before the Senate Judiciary Committee at his confirmation hearing, breached the public recusal he made before the American people, and violated the law enacted by Congress to prevent conflicts of interest at the Department of Justice.

Federal law sets forth as a penalty for recusal violations removal from office, and the Attorney General's violation in this case appears to be particularly grave. Since you are the Acting Attorney General in this particular matter, we call on you to explain the measures that now may be required to mete out appropriate discipline in this case.

**The Attorney General's Recusal**

On January 10, 2017, the Attorney General testified during his Senate confirmation hearing that he would recuse himself from all matters relating to any investigations involving Secretary Clinton. He stated:

I believe the proper thing for me to do would be to recuse myself from any questions involving those kind of investigations that involve Secretary Clinton and that were raised during the campaign or could be otherwise connected to it.<sup>1</sup>

On March 2, 2017, after press accounts reported that the Attorney General testified falsely at that hearing by concealing two meetings he had with the Russian Ambassador, the Attorney General publicly recused himself from all matters relating to the campaigns of both President Trump and Secretary Clinton. He stated:

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<sup>1</sup> Senate Committee on the Judiciary, Testimony of Senator Jeff Sessions, Attorney General Nomination (Jan. 10, 2017).

I have decided to recuse myself from any existing or future investigations of any matters related in any way to the campaigns for President of the United States.<sup>2</sup>

During a press conference that same day, the Attorney General reiterated that he consulted with Department ethics officials about his recusal:

We evaluated the rules of ethics and recusal. I have considered the issues at stake. ... I asked for their candid and honest opinion about what I should do about investigations, certain investigations. And my staff recommended recusal. They said that since I had involvement with the campaign, I should not be involved in any campaign investigation. I have studied the rules and considered their comments and evaluation. I believe those recommendations are right and just.<sup>3</sup>

### **Law Governing Recusal Violations**

Despite the Attorney General's recusal, the documents released this week by the White House demonstrate that the Attorney General participated directly in the decision-making process that led to the President firing Director Comey, purportedly for his actions relating to the FBI's investigation of Secretary Clinton.

On May 9, 2017, the Attorney General sent a letter to the President recommending that he remove Director Comey "for the reasons expressed by the Deputy Attorney General in the attached memorandum."<sup>4</sup> In your Memorandum for the Attorney General, you stated that you discussed Director Comey's actions relating to the Clinton investigation directly with the Attorney General. You wrote: "As you and I have discussed, however, I cannot defend the Director's handling of the conclusion of the investigation of Secretary Clinton's emails."<sup>5</sup>

Section 528 of title 28 of the United States Code is entitled, "Disqualification of Officers and Employees of the Department of Justice." In passing this provision, Congress required the Department of Justice to establish regulations to "require the disqualification of any officer or employee of the Department of Justice ... from participation in a particular investigation or

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<sup>2</sup> *Attorney General Sessions Statement on Recusal*, Department of Justice Office of Public Affairs (Mar. 2, 2017) (online at [www.justice.gov/opa/pr/attorney-general-sessions-statement-recusal](http://www.justice.gov/opa/pr/attorney-general-sessions-statement-recusal)) (plural "campaigns" in original).

<sup>3</sup> *Transcript of Jeff Sessions's Recusal News Conference, Annotated*, Washington Post (Mar. 2, 2017) (online at [www.washingtonpost.com/news/the-fix/wp/2017/03/02/transcript-of-jeff-sessionss-recusal-press-conference-annotated/?utm\\_term=.d43fedb5d624](http://www.washingtonpost.com/news/the-fix/wp/2017/03/02/transcript-of-jeff-sessionss-recusal-press-conference-annotated/?utm_term=.d43fedb5d624)).

<sup>4</sup> Letter from Attorney General Jeff Sessions to President Donald J. Trump (May 9, 2017) (online at [www.nytimes.com/interactive/2017/05/09/us/politics/document-White-House-Fires-James-Comey.html?\\_r=1](http://www.nytimes.com/interactive/2017/05/09/us/politics/document-White-House-Fires-James-Comey.html?_r=1)).

<sup>5</sup> Memorandum for the Attorney General from the Deputy Attorney General (May 9, 2017) (online at [www.nytimes.com/interactive/2017/05/09/us/politics/document-White-House-Fires-James-Comey.html?\\_r=1](http://www.nytimes.com/interactive/2017/05/09/us/politics/document-White-House-Fires-James-Comey.html?_r=1)).

prosecution if such participation may result in a personal, financial, or political conflict of interest, or the appearance thereof.”<sup>6</sup>

According to this law, the penalty for any Justice Department official who violates such a recusal could be termination. The statute states: “Such rules and regulations may provide that a willful violation of any provision thereof shall result in removal from office.”<sup>7</sup>

In addition to the Attorney General participating in the firing of Director Comey, reports also now suggest that the Attorney General requested a preview of Director Comey’s testimony before the Senate Intelligence Committee in May.<sup>8</sup> In addition, reports indicate that the Attorney General is currently participating in the evaluation of candidates to serve as Interim FBI Director—who obviously would be responsible for overseeing the pending Russia investigation—which also could constitute a recusal violation.<sup>9</sup>

### **Request for Report on Proposed Disciplinary Action, Documents and Information**

Since the Attorney General previously recused himself from these matters—and since he may not sit in judgment on his own failure to comply with the law—we request that you, as the Acting Attorney General in this matter, report to us on the steps that must now be followed to address this apparent abuse.

In addition, we request that you provide answers to the following questions and produce the documents requested below by May 22, 2017:

- (1) Did the Attorney General consult with Department ethics officials regarding his involvement in the recommendation to fire Director Comey? If so, please provide all documents related to that consultation, including any requests for advice and any advice provided.
- (2) Please provide a full description of the role the Attorney General played in the recommendation and decision to fire Director Comey. Please also provide all documents relating to the Attorney General’s actions in this process, including documents relating to whether the Attorney General or anyone else asked you to review Director Comey’s actions.
- (3) Please provide a full description of the role the Attorney General played or is

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<sup>6</sup> 28 U.S.C. § 528 (online at [www.law.cornell.edu/uscode/text/28/528](http://www.law.cornell.edu/uscode/text/28/528)).

<sup>7</sup> *Id.*

<sup>8</sup> *Comey Infuriated Trump with Refusal to Preview Senate Testimony*, Reuters (May 11, 2017) (online at [www.reuters.com/article/us-usa-trump-comey-decision-idUSKBN1862WP](http://www.reuters.com/article/us-usa-trump-comey-decision-idUSKBN1862WP)).

<sup>9</sup> *Despite Recusal Pledge, Sessions Interviewing Candidates for Interim Director*, NPR (May 10, 2017) (online at [www.npr.org/2017/05/10/527780171/despite-recusal-pledge-sessions-interviewing-candidates-for-interim-fbi-director](http://www.npr.org/2017/05/10/527780171/despite-recusal-pledge-sessions-interviewing-candidates-for-interim-fbi-director)).

playing in proposing or evaluating candidates for Interim FBI Director. Please also provide all documents relating to the Attorney General's actions in this process.

- (4) To what extent did the Attorney General discuss with you or anyone else any aspect of Director Comey's actions with respect to the investigation of Secretary Clinton? Please provide all documents referring or relating to these discussions.
- (5) Did the Attorney General ever discuss with you or anyone else any aspect of Director Comey's actions with respect to the investigation of President Trump's campaign? If so, please explain. Please also provide all documents referring or relating to these discussions.
- (6) Did the Attorney General ever discuss with you or anyone else concerns that Director Comey publicly revealed during testimony before the Senate the existence of the FBI's investigation of President Trump's campaign and its ties to Russia? If so, please explain. Please also provide all documents referring or relating to these concerns.
- (7) Did the Attorney General ever discuss with you or anyone else concerns that Director Comey might make additional public statements regarding the FBI's investigation of President Trump's campaign and its ties to Russia? If so, please explain. Please also provide all documents referring or relating to these concerns.
- (8) Did Director Comey ever request any additional resources, personnel, or other increased assistance for the FBI's investigation of President Trump's campaign and its ties to Russia? If so, please provide all documents relating to these requests, as well as all email or other communications relating to these requests, concerns with these requests, or the handling or disposition of these requests.

### **Conclusion**

Over the past 48 hours, numerous press accounts have reported that the real reason President Trump fired Director Comey was not because of his handling of the Clinton investigation, but rather because the President was growing increasingly enraged by the accelerating criminal investigation into his own campaign officials and their ties to Russia.<sup>10</sup>

These revelations raise even more grave concerns about the role the Attorney General played in this process despite his previous recusal.

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<sup>10</sup> See, e.g., *Inside Trump's Anger and Impatience—And His Sudden Decision to Fire Comey*, Washington Post (May 10, 2017) (online at [www.washingtonpost.com/politics/how-trumps-anger-and-impatience-prompted-him-to-fire-the-fbi-director/2017/05/10/d9642334-359c-11e7-b373-418f6849a004\\_story.html?utm\\_term=.4ccb6146c052](http://www.washingtonpost.com/politics/how-trumps-anger-and-impatience-prompted-him-to-fire-the-fbi-director/2017/05/10/d9642334-359c-11e7-b373-418f6849a004_story.html?utm_term=.4ccb6146c052)).

We recognize that the Attorney General's actions have thrust you into a very delicate position with respect to enforcing the law of the land against your superior. In this case, however, the Attorney General previously recused himself from these matters, leaving you with the solemn obligation to fulfill your responsibilities to the Department of Justice and the nation.

Thank you for your service and for your cooperation with this request.

Sincerely,



Elijah E. Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform



John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary

cc. The Honorable Jason Chaffetz, Chairman  
Committee on Oversight and Government Reform

The Honorable Bob Goodlatte, Chairman  
Committee on the Judiciary

# CREW

citizens for responsibility  
and ethics in washington

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May 12, 2017

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530-0001

Dear Deputy Attorney General Rosenstein:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the Department of Justice appoint a special counsel to investigate whether President Donald J. Trump or any others obstructed justice in firing Federal Bureau of Investigation Director James Comey in order to impede investigations including the FBI’s ongoing investigation into Russian interference with the 2016 presidential election and potential collusion between Russia and the Trump campaign. We understand that opening such an investigation is a momentous step, and the decision to do so should not be taken lightly. But given the emerging and troubling evidence of potential obstruction, we believe that there is no acceptable alternative to an immediate and credible investigation to resolve these questions.

On March 20, 2017, Director Comey testified before the House Intelligence Committee that the FBI is investigating “the Russian government’s efforts to interfere in the 2016 presidential election and that includes investigating the nature of any links between individuals associated with the Trump campaign and the Russian government and whether there was any coordination between the campaign and Russia’s efforts.”<sup>1</sup> Comey confirmed on May 3, 2017 to the Senate Judiciary Committee that the investigation was ongoing.<sup>2</sup> Press reports indicate that the investigation was “heating up” with Comey receiving “daily instead of weekly updates on the investigation.”<sup>3</sup> On May 9, 2017, CNN reported that that federal prosecutors had issued grand jury subpoenas requesting business records from associates of former National Security Advisor Michael Flynn “as part of the ongoing probe of Russian meddling in last year’s election.”<sup>4</sup> In

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<sup>1</sup> Full transcript: FBI Director James Comey testifies on Russian interference in 2016 election, *Washington Post*, Mar. 20, 2017, available at [https://www.washingtonpost.com/news/post-politics/wp/2017/03/20/full-transcript-fbi-director-james-comey-testifies-on-russian-interference-in-2016-election/?utm\\_term=.66cf59b82134](https://www.washingtonpost.com/news/post-politics/wp/2017/03/20/full-transcript-fbi-director-james-comey-testifies-on-russian-interference-in-2016-election/?utm_term=.66cf59b82134).

<sup>2</sup> Read the full testimony of FBI Director James Comey in which he discusses Clinton email investigation, *Washington Post*, May 3, 2017, available at [https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/?utm\\_term=.2daa1b46479a](https://www.washingtonpost.com/news/post-politics/wp/2017/05/03/read-the-full-testimony-of-fbi-director-james-comey-in-which-he-discusses-clinton-email-investigation/?utm_term=.2daa1b46479a).

<sup>3</sup> Shane Harris and Carol E. Lee, Comedy’s Firing Came as Investigators Stepped Up Russia Probe, *Wall Street Journal*, May 10, 2017, available at <https://www.wsj.com/articles/james-comey-had-requested-more-money-for-fbi-s-russia-investigation-before-being-fired-u-s-official-1494433061>.

<sup>4</sup> Evan Perez, Shimon Prokupez, and Pamela Brown, CNN exclusive: Grand jury subpoenas issued in FBI’s Russian investigation, *CNN*, May 9, 2017, available at <http://www.cnn.com/2017/05/09/politics/grand-jury-fbi-russia/>.

addition, both the House Intelligence Committee and the Senate Intelligence Committee have publicly announced investigations into the same set of issues.<sup>5</sup>

Hours after reporters first learned of the grand jury subpoenas, President Trump fired Director Comey. Initial White House statements primarily, and strenuously, indicated that the firing was a result of recommendations from Attorney General Jeff Sessions and you because of alleged mishandling of the investigation of Secretary of State Hillary Clinton's private email server.<sup>6</sup>

However, the statements of President Trump himself and several of his key advisers, as well as subsequent reporting, have clarified that the firing happened because of President Trump's unhappiness with the Russia investigation and that he and his advisors wanted the investigation to end. According to President Trump, he was thinking of the Russia issue when he fired Director Comey, telling NBC News, "And in fact when I decided to just do it, I said to myself, I said you know, this Russia thing with Trump and Russia is a made up story, it's an excuse by the Democrats for having lost an election that they should have won."<sup>7</sup> Although he indicated he wanted the Russian investigation to be "absolutely done properly," President Trump stated that it "should have been over with a long time ago."<sup>8</sup> The *Washington Post* also cited accounts of officials from the White House and other government agencies to assert in connection with the firing, "Trump was frustrated when Comey revealed in Senate testimony the breadth of the counterintelligence investigation into Russia's effort to sway the 2016 U.S. presidential election. And he fumed that Comey was giving too much attention to the Russia probe and not enough to investigating leaks to journalists."<sup>9</sup> The *New York Times* also reported yesterday that at a private dinner soon after President Trump was inaugurated in January – when the FBI was already investigating Russia's possible intervention in the election – Director Comey repeatedly refused to pledge his loyalty to President Trump.<sup>10</sup>

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<sup>5</sup> See U.S. Senate Select Committee on Intelligence, "Joint Statement on Committee Inquiry into Russian Intelligence Activities," Jan. 13, 2017, available at <https://www.intelligence.senate.gov/press/joint-statement-committee-inquiry-russian-intelligence-activities>; House Permanent Select Committee on Intelligence, "Intelligence Committee Chairman, Ranking Member Establish Parameters for Russia Investigation," Mar. 1, 2017, available at <https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=767>.

<sup>6</sup> Philip Rucker, *Trump threatens to cancel White House briefings because it is 'not possible' for his staff to speak with 'perfect accuracy'*, *Washington Post*, May 12, 2017, available at [https://www.washingtonpost.com/news/post-politics/wp/2017/05/12/trump-threatens-to-cancel-white-house-briefings-because-it-is-not-possible-to-always-tell-the-truth/?hpid=hp\\_rhp-top-table-main\\_pressbriefing-840a%3Ahomepage%2Fstory&utm\\_term=.a326a8fde1f0](https://www.washingtonpost.com/news/post-politics/wp/2017/05/12/trump-threatens-to-cancel-white-house-briefings-because-it-is-not-possible-to-always-tell-the-truth/?hpid=hp_rhp-top-table-main_pressbriefing-840a%3Ahomepage%2Fstory&utm_term=.a326a8fde1f0).

<sup>7</sup> Partial transcript: NBC News Interview with Donald Trump, *CNN*, May 11, 2017, available at <http://www.cnn.com/2017/05/11/politics/transcript-donald-trump-nbc-news/>.

<sup>8</sup> *Id.*

<sup>9</sup> Philip Rucker, Ashley Parker, Sari Horowitz and Robert Costa, *Inside Trump's anger and impatience and his sudden decision to fire Comey*, *Washington Post*, May 10, 2017, available at [https://www.washingtonpost.com/politics/how-trumps-anger-and-impatience-prompted-him-to-fire-the-fbi-director/2017/05/10/d9642334-359c-11e7-b373-418f6849a004\\_story.html?tid=pin\\_politics\\_pop&utm\\_term=.55e457859f58](https://www.washingtonpost.com/politics/how-trumps-anger-and-impatience-prompted-him-to-fire-the-fbi-director/2017/05/10/d9642334-359c-11e7-b373-418f6849a004_story.html?tid=pin_politics_pop&utm_term=.55e457859f58).

<sup>10</sup> Michael S. Schmidt, *In a Private Dinner, Trump Demanded Loyalty. Comey Demurred*, *New York Times*, May 11, 2017, available at <https://www.nytimes.com/2017/05/11/us/politics/trump-comey-firing.html>.

This morning, President Trump tweeted, “James Comey better hope that there are no ‘tapes’ of our conversations before he starts leaking to the press!”<sup>11</sup> He also acknowledged the inaccuracy of the initial White House explanations in a tweet this morning, writing, “As a very active President with lots of things happening, it is not possible for my surrogates to stand at podium with perfect accuracy!....”<sup>12</sup> In addition, Principal Deputy White House Press Secretary Sarah Huckabee Sanders said on May 11 about the Russia investigation, “[W]e want this to come to its conclusion. We want it to come to its conclusion with integrity. And we think that we’ve actually, by removing Director Comey, taken steps to make that happen.”<sup>13</sup>

Federal law includes several key criminal obstruction of justice statutes. Section 1503 of the criminal code provides for criminal penalties for whoever “corruptly ... influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice.” 18 U.S.C. § 1505 provides for criminal penalties for whoever “corruptly ... influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.” 18 U.S.C. § 1512(c) provides for criminal penalties for “[w]hoever corruptly ... obstructs, influences, or impedes any official proceeding, or attempts to do so.” 18 U.S.C. § 1515 provides relevant definitions, clarifying that “official proceeding” includes a proceeding before a federal grand jury or a federal government agency authorized by law and that “corruptly” for the purpose of § 1505 means “acting with an improper purpose ... including making a false or misleading statement, or withholding, concealing, altering or destroying a document or other information.”

President Trump’s statements, together with the reported statements of other senior officials, indicate that the decision to fire Director Comey was made in connection with the ongoing investigation into Russian interference with the election and possible collusion between Russia and the Trump campaign. President Trump has consistently made clear his anger about the investigation, and his and Ms. Sanders’ statements make clear that he and other White House officials want the investigation to end quickly. The statements suggest that Director Comey may have in fact been fired to bring about that result. If Director Comey was fired for the improper purpose of influencing the conduct of the FBI’s investigation, the grand jury proceeding, or congressional and other investigations that relied on information from Director Comey and the

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<sup>11</sup> Philip Rucker, Trump suggests there may be ‘tapes’ of his private conversations with former FBI director, *The Washington Post*, May 12, 2017, available at [https://www.washingtonpost.com/news/post-politics/wp/2017/05/12/trump-suggests-there-may-be-tapes-of-his-private-conversations-with-former-fbi-director/?hpid=hp\\_rhp-top-table-main\\_trumpcomey-940a%3Ahomepage%2Fstory&utm\\_term=.b8a7c55ea66b](https://www.washingtonpost.com/news/post-politics/wp/2017/05/12/trump-suggests-there-may-be-tapes-of-his-private-conversations-with-former-fbi-director/?hpid=hp_rhp-top-table-main_trumpcomey-940a%3Ahomepage%2Fstory&utm_term=.b8a7c55ea66b).

<sup>12</sup> Rucker, Trump threatens to cancel White House briefings because it is ‘not possible’ for his staff to speak with ‘perfect accuracy’, *Washington Post*, May 12, 2017.

<sup>13</sup> The White House, “Press Briefing by Principal Deputy Press Secretary Sarah Sanders and Homeland Security Advisor Tom Bossert,” May 11, 2017, available at <https://www.whitehouse.gov/the-press-office/2017/05/11/press-briefing-principal-deputy-press-secretary-sarah-sanders-and>.



Hon. Rod J. Rosenstein  
May 12, 2017  
Page 4

FBI,<sup>14</sup> he may have violated one or more federal obstruction of justice laws. Moreover, the fact that White House officials initially presented an explanation for the firing that President Trump himself has now conceded was inaccurate could suggest that the President or other White House officials were attempting to conceal with false statements an improper purpose for the firing.

Only a thorough and independent investigation will be able to ascertain whether or not a monumentally serious offense – obstruction of investigations by the President or his senior advisors – has occurred. Attorney General Sessions is appropriately recused from this matter. Because you participated in the decision to fire Director Comey, the best practice would be for you to refer the appointment of a special counsel to an appropriate career Department of Justice official. For the nation to have confidence in its leadership and its institutions, it is essential that such an investigation commence at once.

Sincerely,



Noah Bookbinder  
Executive Director  
Citizens for Responsibility and Ethics in Washington

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<sup>14</sup> See, e.g., Senator Richard Burr, Statement from Senate Intel Chairman Burr on the Dismissal of FBI Director Comey, May 9, 2017, available at <https://www.burr.senate.gov/press/releases/statement-from-senate-intel-chairman-burr-on-the-dismissal-of-fbi-director-comey> (“I have found Director Comey to be a public servant of the highest order, and his dismissal further confuses an already difficult investigation by the Committee.”)

**Rosenstein, Rod (ODAG)**

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**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 22, 2017 7:28 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** Re: NY Times story

No need. I am not saving any of these stories!

On May 21, 2017, at 10:26 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

It'll be in the print edition tomorrow-(b)(5)

On May 21, 2017, at 10:22 PM, Rosenstein, Rod (ODAG) <[rosenstein@jmd.usdoj.gov](mailto:rosenstein@jmd.usdoj.gov)> wrote:

Thanks. This was supposed to be a low-profile job.

On May 21, 2017, at 10:17 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:


Here's the story they just posted: <https://mobile.nytimes.com/2017/05/21/us/politics/rod-rosenstein-justice-comey.html?referer=>

On May 21, 2017, at 10:11 PM, Rosenstein, Rod (ODAG) <[rosenstein@jmd.usdoj.gov](mailto:rosenstein@jmd.usdoj.gov)> wrote:

OK. I appreciate your support. I am not accustomed to have a 24/7 press spokesperson.

On May 21, 2017, at 9:27 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

Duplicative Material



**Flores, Sarah Isgur (OPA)**

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Sunday, May 21, 2017 9:28 PM  
**To:** Rosenstein, Rod (ODAG)  
**Cc:** Crowell, James (ODAG); Terwilliger, Zachary (ODAG)  
**Subject:** Re: NY Times story

I understand you replied directly to the reporter. (b)(5)

On May 21, 2017, at 7:54 PM, Rosenstein, Rod (ODAG) <[rrosenstein@jmd.usdoj.gov](mailto:rrosenstein@jmd.usdoj.gov)> wrote:

Thanks. (b)(5)

[Redacted]

[Redacted]

On May 21, 2017, at 7:24 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

(b)(5)

Begin forwarded message:

**From:** "Ruiz, Rebecca" <[rebecca.ruiz@nytimes.com](mailto:rebecca.ruiz@nytimes.com)>  
**Date:** May 21, 2017 at 6:27:18 PM EDT  
**To:** "Flores, Sarah Isgur (OPA)" <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>  
**Subject:** Fwd: NY Times story

FYI

Rebecca R. Ruiz  
The New York Times  
(b)(6)

(b)(6) (cell)  
202-862-0384 (office)

----- Forwarded message -----

From: **Ruiz, Rebecca** <[rebecca.ruiz@nytimes.com](mailto:rebecca.ruiz@nytimes.com)>  
Date: Sun, May 21, 2017 at 6:26 PM  
Subject: NY Times story  
To: [rod.rosenstein@usdoj.gov](mailto:rod.rosenstein@usdoj.gov)

Mr. Rosenstein,

I do not expect you to reply. I simply wanted to inform you further of our story about you, likely to publish tomorrow.

We have spoken to friends and colleagues of yours (including, to be quoted: Andrew White, James Trusty, Gregg Bernstein, Doug Gansler).

I want to give you a sense of what to expect and an opportunity to respond to our reporting before we publish.

People have described you as an apolitical prosecutor in your 27 years at the Justice Department; they have said you are skilled at staying focused on the law and tuning out political noise. One example of that: the Black Guerrilla Family case in Maryland, which had political overtones but in which, per Mr. Gansler, you simply followed the facts.

Some Obama administration officials we talked to criticized your handling of the Cartwright case, suggesting that your team took a remarkably aggressive approach and seemed to prejudge the matter. Others said that you seemed resistant to the Holder charging and sentencing policy regarding nonviolent drug crimes, newly reversed.

Friends said you were likely surprised by how the memo you wrote about Mr. Comey was used as an initial rationale for the firing, but that the way the situation had been evolved was symbolic: That you likely corrected the record with people in the administration, quietly and without taking the spotlight.

Should you or a spokesperson have anything to say in response to any of this, we would gladly incorporate it in our story.

I am available on my cell below at any time.

Thank you for reading.

Rebecca Ruiz

Rebecca R. Ruiz  
The New York Times  
(b)(6) (cell)  
202-862-0384 (office)

**Flores, Sarah Isgur (OPA)**

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Sunday, May 21, 2017 10:27 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Re: NY Times story

I appreciate it. (b)(5)

On May 21, 2017, at 10:19 PM, Rosenstein, Rod (USAMD) <[Rod.Rosenstein@usdoj.gov](mailto:Rod.Rosenstein@usdoj.gov)> wrote:

(b)(5)

Begin forwarded message:

**From:** "Ruiz, Rebecca" <[rebecca.ruiz@nytimes.com](mailto:rebecca.ruiz@nytimes.com)>  
**Date:** May 21, 2017 at 9:01:46 PM EDT  
**To:** "Rosenstein, Rod (USAMD)" <[Rod.Rosenstein@usdoj.gov](mailto:Rod.Rosenstein@usdoj.gov)>  
**Subject:** Re: NY Times story

Noted, off the record.

Thank you for clarifying our understanding. That will be reflected in the story. We will not mention the charging and sentencing policy, and we will make clear that the criticisms Obama administration officials had regarding the Cartwright matter were stylistic criticisms (not that it's unusual for a prosecutor to take an aggressive approach), and not legal or ethical ones.

I appreciate your help in making sure we weren't inaccurate. The story is due to be in tomorrow's paper, meaning it would go online late tonight.

Rebecca

Rebecca R. Ruiz  
The New York Times  
(b)(6) (cell)  
202-862-0384 (office)

On Sun, May 21, 2017 at 7:25 PM, Rosenstein, Rod (USAMD) <[Rod.Rosenstein@usdoj.gov](mailto:Rod.Rosenstein@usdoj.gov)> wrote:

Off the record:

Thank you very much for the opportunity. I regret that I do not plan to make any

Thank you very much for the opportunity. I regret that I do not plan to make any statements. Everybody is entitled to their own opinion. I do want to make two suggestions about my tenure as U.S. Attorney, but only off the record. You are free to validate them or not, on your own.

First, off the record, I have no idea what you mean about the Cartwright case. A prosecutor cannot prejudge a leak case. You need to find out who was the leaker, which is a factual issue, and then decide whether to prosecute. The Attorney General (and the President) publicly stated that we should catch the leaker and hold him accountable, and the Attorney General committed to the Senate that we would do so expeditiously. Review the publicity in June 2012. I do not think we were "remarkably aggressive" in a negative way. I think we approached the case with an appropriate sense of urgency.

Second, off the record, I faithfully implemented the Holder policies. As a matter of fact, I developed a form to document in USAO files that people were following the policies – alleging drug quantities and pursuing mandatory penalties only in appropriate cases meeting the Holder guidelines – and then I distributed the form to other U.S. Attorneys. I also spoke at one of the U.S. Attorneys' Conferences about how to implement the policies effectively.

**From:** Ruiz, Rebecca [mailto:[rebecca.ruiz@nytimes.com](mailto:rebecca.ruiz@nytimes.com)]  
**Sent:** Sunday, May 21, 2017 6:27 PM  
**To:** Rosenstein, Rod (USAMD) <[RRosenstein@usa.doj.gov](mailto:RRosenstein@usa.doj.gov)>  
**Subject:** NY Times story

Mr. Rosenstein,

I do not expect you to reply. I simply wanted to inform you further of our story about you, likely to publish tomorrow.

We have spoken to friends and colleagues of yours (including, to be quoted: Andrew White, James Trusty, Gregg Bernstein, Doug Gansler).

I want to give you a sense of what to expect and an opportunity to respond to our reporting before we publish.

People have described you as an apolitical prosecutor in your 27 years at the Justice Department; they have said you are skilled at staying focused on the law and tuning out political noise. One example of that: the Black Guerrilla Family case in Maryland, which had political overtones but in which, per Mr. Gansler, you simply followed the facts.

Some Obama administration officials we talked to criticized your handling of the Cartwright case, suggesting that your team took a remarkably aggressive approach and seemed to prejudge the matter. Others said that you seemed resistant to the Holder charging and sentencing policy regarding nonviolent drug crimes, newly reversed.

Friends said you were likely surprised by how the memo you wrote about Mr. Comey was used as an initial rationale for the firing, but that the way the situation had been evolved was symbolic: That you likely corrected the record with people in the administration, quietly and without taking the spotlight.

Should you or a spokesperson have anything to say in response to any of this, we would gladly incorporate it in our story.

I am available on my cell below at any time.

Thank you for reading.

Rebecca Ruiz

Rebecca R. Ruiz

The New York Times

(b)(6) (cell)

[202-862-0384](tel:202-862-0384) (office)



**Flores, Sarah Isgur (OPA)**

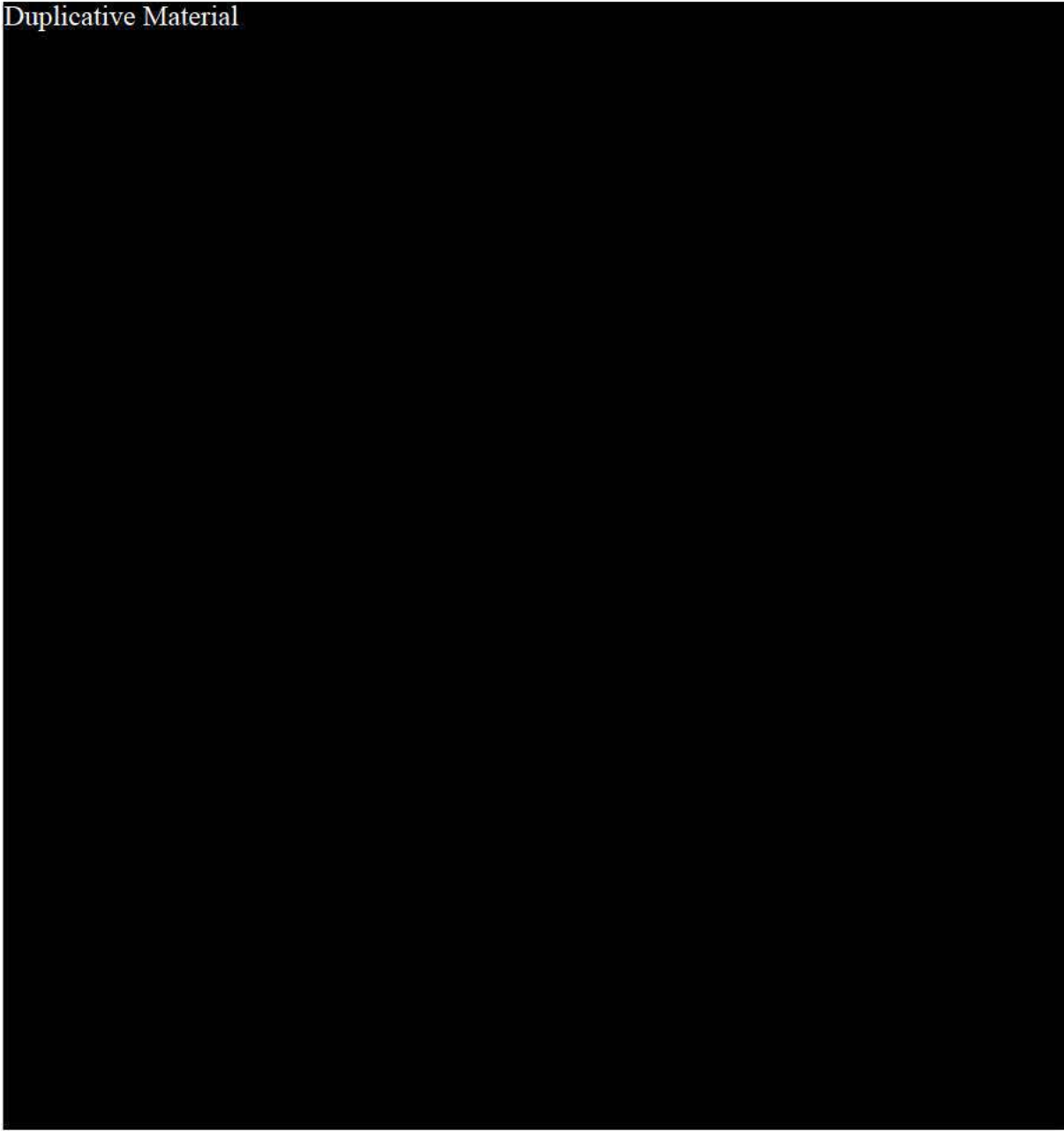
---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Sunday, May 21, 2017 9:17 PM  
**To:** Rosenstein, Rod (ODAG)  
**Cc:** Crowell, James (ODAG); Terwilliger, Zachary (ODAG)  
**Subject:** Re: NY Times story

This is helpful-(b)(5)

On May 21, 2017, at 7:54 PM, Rosenstein, Rod (ODAG) <[rrosenstein@jmd.usdoj.gov](mailto:rrosenstein@jmd.usdoj.gov)> wrote:

Duplicative Material



**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Saturday, May 20, 2017 10:19 AM  
**To:** Zebley, Aaron  
**Cc:** Crowell, James (ODAG)  
**Subject:** Re: Call

I reached Mueller. Thank you!

> On May 20, 2017, at 10:11 AM, Zebley, Aaron <Aaron.Zebley@wilmerhale.com> wrote:

>

> (b)(6)

>

> -----Original Message-----

> From: Crowell, James (ODAG) [mailto:James.Crowell@usdoj.gov]

> Sent: Saturday, May 20, 2017 10:08 AM

> To: Zebley, Aaron <Aaron.Zebley@wilmerhale.com>

> Cc: Rosenstein, Rod (ODAG) <Rod.Rosenstein5@usdoj.gov>

> Subject: Call

>

> Aaron:

>

> DAG Rosenstein is trying to connect today with Director Mueller. Can you get the DAG a good cellphone number to call?

>

> Thank you in advance.

>

> Best,

>

> Jim

>

> Sent from my iPhone

>

## Andrew Radding

---

**From:** Andrew Radding  
**Sent:** Friday, May 19, 2017 4:04 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** Keep it up

The time was right and the choice was right. You did as we who know you expected-the right thing at the right time.

Maybe you can take a deep breath this weekend.

But it's only going to be a slight respite. They're still lining up to find fault. Can't believe how many people know exactly what you were thinking. You must have been gossiping with half of Washington.

In the spare time I listen or watch I hear things like "I haven't seen evidence, don't know anyone who has, but there must be some-the reporters and everyone else says so"-Sen. Feinstein. Everyone who was at your briefing heard some slightly different answers Their reportings are all over the place depending on their own points of view.

Frankly they (the pols) don't seem to give a damn what the truth is. Really doesn't matter because they make up their own truth. If Mueller says it's partly sunny at the end of this he will be excoriated by at least half of them for not saying it's partly cloudy.

When I worked on the Hill there were Democrats and Republicans and an even more disliked President (RMN) Everybody was partisan but we worked together and we really did get things done and the venom just wasn't there.

Keep it up, watch your back (and flanks) we're pulling for you.

Andy

**ANDREW RADDING, ESQ.** | [BIO](#)  
(410) 986-0824 (DIRECT) | (410) 986-0825 (FAX)  
[ARadding@Adelberg.com](mailto:ARadding@Adelberg.com)

ADELBERG, RUDOW, DORF & HENDLER, LLC

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**Crowell, James (ODAG)**

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**From:** Crowell, James (ODAG)  
**Sent:** Friday, May 19, 2017 3:41 PM  
**To:** Ramer, Sam (OLA)  
**Cc:** Gamble, Nathaniel (ODAG); Rosenstein, Rod (ODAG); Terwilliger, Zachary (ODAG); Murphy, Marcia (ODAG)  
**Subject:** Re: Rep. Ruppertsberger call with DAG Rosenstein (time sensitive)

Ok. Nate has found time at 430 on calendar. Thanks!!

Sent from my iPhone

On May 19, 2017, at 3:39 PM, Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)> wrote:

Since Marcia is not around I will coordinate.

---

**From:** Gamble, Nathaniel (ODAG)  
**Sent:** Friday, May 19, 2017 3:39 PM  
**To:** Crowell, James (ODAG) <[jcrowell@jmd.usdoj.gov](mailto:jcrowell@jmd.usdoj.gov)>; Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Cc:** Rosenstein, Rod (ODAG) <[rrosenstein@jmd.usdoj.gov](mailto:rrosenstein@jmd.usdoj.gov)>; Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>; Murphy, Marcia (ODAG) <[mmurphy@jmd.usdoj.gov](mailto:mmurphy@jmd.usdoj.gov)>  
**Subject:** RE: Rep. Ruppertsberger call with DAG Rosenstein (time sensitive)

Sam:

The DAG can speak at 4:30pm. Please advise.

Thanks,

---

**From:** Crowell, James (ODAG)  
**Sent:** Friday, May 19, 2017 3:25 PM  
**To:** Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Cc:** Rosenstein, Rod (ODAG) <[rrosenstein@jmd.usdoj.gov](mailto:rrosenstein@jmd.usdoj.gov)>; Gamble, Nathaniel (ODAG) <[nagamble@jmd.usdoj.gov](mailto:nagamble@jmd.usdoj.gov)>; Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>; Murphy, Marcia (ODAG) <[mmurphy@jmd.usdoj.gov](mailto:mmurphy@jmd.usdoj.gov)>  
**Subject:** Re: Rep. Ruppertsberger call with DAG Rosenstein (time sensitive)

Sam:

The dag is glad to speak. Please coordinate a time with mate, CC'd.

Thanks,

Jim

Sent from my iPhone

On May 19, 2017, at 3:23 PM, Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)> wrote:

Sir,

Rep. Ruppertsberger would like to talk to you, positive comments about today's briefing.

See below.

Sam

---

**From:** Tyson, Jill C. (OLA)  
**Sent:** Friday, May 19, 2017 2:29 PM  
**To:** Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Subject:** Rep. Ruppertsberger call with DAG Rosenstein (time sensitive)  
**Importance:** High

Sam:

I just spoke with Rep. C.A. "Dutch" Ruppertsberger (MD-02). He would like to have a short phone call with the DAG this afternoon to give him thoughts and feedback on this morning's briefing. The Congressman has been supportive of the DAG in press accounts following the briefing (see below). His cell is: (b)(6).  
Thanks.

[http://www.washingtontimes.com/news/2017/may/19/rosenstein-rejects-reports-comey-resources-request/?utm\\_source=RSS\\_Feedutm\\_medium=RSS](http://www.washingtontimes.com/news/2017/may/19/rosenstein-rejects-reports-comey-resources-request/?utm_source=RSS_Feedutm_medium=RSS)

By [David Sherfinski](#) and [Andrea Noble](#) - *The Washington Times* - Friday, May 19, 2017  
Deputy Attorney General [Rod Rosenstein](#) said Friday that contrary to recent media reports, he wasn't aware of any request from the FBI for additional resources on its investigation into Russian interference in the 2016 election. "I am not aware of any such request. Moreover, I consulted my staff and Acting FBI Director Andrew McCabe, and none of them recalls such a request," [Mr. Rosenstein](#) told House members in an all-member briefing, according to prepared remarks released by the Justice Department.

Lawmakers who were in the briefing seized on [Mr. Rosenstein's](#) testimony as proof that some of the reports surrounding the circumstances of FBI Director James B. Comey's firing weren't accurate.

"There was a lot of reporting ... claiming, wrongfully, that Director Comey had requested additional resources from [Mr. Rosenstein](#) with regards to the Russia investigation," said Rep. Lee Zeldin, New York Republican. "[Mr. Rosenstein](#) said that's not true."

"He's asked others at DOJ," Mr. Zeldin said. "None of the people he spoke to have received that request from Director Comey requesting additional resources for the Russia investigation. I asked him specifically, 'Is that unclassified?' He said yes."

"There's one example of why it's important to bring everyone together to be able to ask questions and get the facts [because] that story was broken as the first sign, first bit of evidence that had come out trying to connect it to Director Comey's firing, and turns out that it's completely untrue," Mr. Zeldin said.

House Majority Leader Kevin McCarthy likewise told reporters [Mr. Rosenstein](#) had no evidence indicating that Mr. Comey asked for more resources.

Rep. C.A. "Dutch" Ruppertsberger said he concurred with that general account.

"News isn't always right," said Mr. Ruppertsberger, Maryland Democrat and a past ranking member on the House Intelligence Committee. "The facts are the facts," he said. "As far as I'm concerned, unless I see facts otherwise, I have respect [of] his integrity."

Jill C. Tyson  
Deputy Assistant Attorney General  
Office of Legislative Affairs  
U.S. Department of Justice  
(202) 514-3597  
[Jill.C.Tyson@USDOJ.gov](mailto:Jill.C.Tyson@USDOJ.gov)

**Ramer, Sam (OLA)**

---

**From:** Ramer, Sam (OLA)  
**Sent:** Friday, May 19, 2017 3:26 PM  
**To:** Crowell, James (ODAG)  
**Cc:** Rosenstein, Rod (ODAG); Gamble, Nathaniel (ODAG); Terwilliger, Zachary (ODAG); Murphy, Marcia (ODAG)  
**Subject:** RE: Rep. Ruppertsberger call with DAG Rosenstein (time sensitive)

Will do.

---

**From:** Crowell, James (ODAG)  
**Sent:** Friday, May 19, 2017 3:25 PM  
**To:** Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Cc:** Rosenstein, Rod (ODAG) <[rosenstein@jmd.usdoj.gov](mailto:rosenstein@jmd.usdoj.gov)>; Gamble, Nathaniel (ODAG) <[nagamble@jmd.usdoj.gov](mailto:nagamble@jmd.usdoj.gov)>; Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)>; Murphy, Marcia (ODAG) <[mmurphy@jmd.usdoj.gov](mailto:mmurphy@jmd.usdoj.gov)>  
**Subject:** Re: Rep. Ruppertsberger call with DAG Rosenstein (time sensitive)

Sam:

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Thanks,

Jim

Sent from my iPhone

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**To:** Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)>  
**Subject:** Rep. Ruppertsberger call with DAG Rosenstein (time sensitive)  
**Importance:** High

Sam:

I just spoke with Rep. C.A. "Dutch" Ruppertsberger (MD-02). He would like to have a short phone call with the DAG this afternoon to give him thoughts and feedback on this morning's



briefing. The Congressman has been supportive of the DAG in press accounts following the briefing (see below). His cell is: (b)(6). Thanks.

[http://www.washingtontimes.com/news/2017/may/19/rosenstein-rejects-reports-comey-resources-request/?utm\\_source=RSS&utm\\_medium=RSS](http://www.washingtontimes.com/news/2017/may/19/rosenstein-rejects-reports-comey-resources-request/?utm_source=RSS&utm_medium=RSS)

By [David Sherfinski](#) and [Andrea Noble](#) - *The Washington Times* - Friday, May 19, 2017

Deputy Attorney General [Rod Rosenstein](#) said Friday that contrary to recent media reports, he wasn't aware of any request from the FBI for additional resources on its investigation into Russian interference in the 2016 election. "I am not aware of any such request. Moreover, I consulted my staff and Acting FBI Director Andrew McCabe, and none of them recalls such a request," [Mr. Rosenstein](#) told House members in an all-member briefing, according to prepared remarks released by the Justice Department.

Lawmakers who were in the briefing seized on [Mr. Rosenstein's](#) testimony as proof that some of the reports surrounding the circumstances of FBI Director James B. Comey's firing weren't accurate.

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"He's asked others at DOJ," Mr. Zeldin said. "None of the people he spoke to have received that request from Director Comey requesting additional resources for the Russia investigation. I asked him specifically, 'Is that unclassified?' He said yes.

"There's one example of why it's important to bring everyone together to be able to ask questions and get the facts [because] that story was broken as the first sign, first bit of evidence that had come out trying to connect it to Director Comey's firing, and turns out that it's completely untrue," Mr. Zeldin said.

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Rep. C.A. "Dutch" Ruppberger said he concurred with that general account.

"News isn't always right," said Mr. Ruppberger, Maryland Democrat and a past ranking member on the House Intelligence Committee.

"The facts are the facts," he said. "As far as I'm concerned, unless I see facts otherwise, I have respect [of] his integrity."

Jill C. Tyson  
Deputy Assistant Attorney General  
Office of Legislative Affairs  
U.S. Department of Justice  
(202) 514-3597  
[Jill.C.Tyson@USDOJ.gov](mailto:Jill.C.Tyson@USDOJ.gov)

**Crowell, James (ODAG)**

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**From:** Crowell, James (ODAG)  
**Sent:** Friday, May 19, 2017 8:45 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** RE: Follow up from call.

Got it. I'm getting all of these and forwarding them to Aaron.

---

**From:** Rosenstein, Rod (USAMD) [mailto:Rod.Rosenstein@usdoj.gov]  
**Sent:** Friday, May 19, 2017 8:20 AM  
**To:** Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>  
**Subject:** Fwd: Follow up from call.

*\*Please delete [Rod.Rosenstein@usdoj.gov](mailto:Rod.Rosenstein@usdoj.gov) from your contacts and use my new DOJ email address instead: [Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov).*

Begin forwarded message:

**From:** (b)(6)- Judge Stephen Murphy  
**Date:** May 19, 2017 at 6:51:51 AM EDT  
**To:** <[rod.rosenstein@usdoj.gov](mailto:rod.rosenstein@usdoj.gov)>  
**Subject:** Follow up from call.

Dear Rod,

Thank you ever so much for speaking with me yesterday. I understand the nature of your challenges right now and we all owe your our thanks.

I have attached a letter to Special Counsel Mueller and a resume of (b)(6) (in Word and PDF formats). If you or your staff could forward these to Mr. Mueller, I would be grateful.

Please don't ever hesitate to contact me if I can assist you in any way, large or small. God bless.

With respect, S

231 West Lafayette Boulevard  
Room 235  
Detroit, Michigan 48226

May 19, 2017

Hon. Robert S. Mueller  
Special Counsel  
United States Department of Justice  
Washington, DC 20530

Dear Special Counsel Mueller,

I am a federal judge in Detroit. I served as United States Attorney in Detroit from 2005-2008 and you were Director of the FBI for my entire term. I visited with you when you came to the Detroit FBI division and at several U.S. Attorney conferences. Like almost everyone in the field of federal criminal law, I hold you in high esteem and admire you and the Deputy Attorney General for taking on the weighty tasks that confront you both.

As you assemble your staff, I wish to recommen (b)(6)

to your employ. I am sending his resume to you.

(b)(6)

Hon. Robert S. Mueller

May 19, 2017

Page two

In addition to his legal acumen (b)(6) is an excellent person of high integrity. He is completely honest, always, an (b)(6)

[REDACTED]

(b)(6)

[REDACTED]

[REDACTED] would permit him to assist greatly on the team you assemble to fulfill your mission.

I urge you to call me if you have questions about (b)(6) and I wish you the very finest as you go about carrying out your mission. You have been an admired public servant for many years and with this current engagement, we all owe you our thanks.

With respect, I am

Sincerely yours,

/s/

STEPHEN J. MURPHY, III

United States District Judge

**Prior, Ian (OPA)**

---

**From:** Prior, Ian (OPA)  
**Sent:** Thursday, May 18, 2017 9:45 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** FYSA - Sen Cassidy got it right

Sen. Bill Cassidy, R-La., offered a similar version of the timeline, saying that Rosenstein referred to the president's remarks in a recent NBC News interview in which Trump said that he had decided to fire Comey long ago.

"I think he indicated what Donald Trump has indicated," Cassidy said. "Mr. Trump was leaning in that direction but the final decision obviously wasn't made until it was actually released."

<https://www.usatoday.com/story/news/politics/2017/05/18/deputy-ag-rod-rostenstein-knew-trump-wanted-comey-fired-before-he-penned-memo/101843656/>

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Office: 202.616.0911  
Cell: (b)(6)

**Crowell, James (ODAG)**

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**From:** Crowell, James (ODAG)  
**Sent:** Thursday, May 18, 2017 5:10 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** Fwd: CNN – President Trump & Colombian President Santos Joint Press Conference

Sent from my iPhone

Begin forwarded message:

**From:** Sarah Isgur Flores (b)(6)  
**Date:** May 18, 2017 at 4:46:57 PM EDT  
**To:** "Crowell, James (ODAG)" <[james.crowell@usdoj.gov](mailto:james.crowell@usdoj.gov)>  
**Subject:** Fwd: CNN – President Trump & Colombian President Santos Joint Press Conference

PRESIDENT TRUMP: i think it is totally ridiculous. everybody thinks so. again, we have to get back to working our country properly so that we can take care of the problems that we have. we have plenty of problems. we have done a fantastic job. we have a tremendous group of people. millions and millions of people out there that are looking at what you have just said and said, what are they doing? director comey was very unpopular with most people. i actually thought when i made that decision -- and i also got a very, very strong recommendation, as you know, from the deputy attorney general, rod rosenstein. but when i made that decision, i actually thought it would be a bipart people on the democratic side, not only the republican side, that were saying such terrible things about director comey. then he had the very poor performance on wednesday. that was a poor, poor performance. so poor, in fact, that i believe -- and you would have to ask him because i don't like to speak for other people, but i believe that's why the deputy attorney general went out and wrote his very, very strong letter. and then on top of that, after the wednesday performance by director comey you had a person come and have to readjust the record, which many people have never seen before, because there were misstatements made. i thought that was something that was terrible. we need a great director of the fbi. i cherish the fbi. it is special. all over the world, no matter where you go, the fbi is special. the fbi has not had that special reputation with what happen in the campaign, what happen with respect to the clinton campaign, and even you could say directly or indirectly with respect to the much more successful trump campaign.

---

**From:** RNC War Room <[Warroom@gop.com](mailto:Warroom@gop.com)>  
**Sent:** Thursday, May 18, 2017 4:39:43 PM  
**Subject:** CNN – President Trump & Colombian President Santos Joint Press Conference

**CNN – President Trump & Colombian President Santos Joint Press Conference**

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F18%2F2017+16%3A07%3A31&market=m1&StationID=100>

PRESIDENT DONALD TRUMP: thank you very much. it is a great pleasure to welcome president santos to the white house. colombia is one of our closest allies in the hemisphere, and today we reaffirm partnership between our two great nations. president santos and i had a very productive meeting, and we will continue to work very closely together to bring peace, safety and prosperity to the hemisphere. perhaps no area is really more important in terms of cooperation than our joint effort to end the terrible drug crimes that plague both of our countries. recently we have seen an alarm – and i mean really a very highly alarmed and alarming trend. last year colombia cocoa cultivation and cocaine production reached a record high, which hopefully will be remedied very quickly by the president. we must confront this dangerous threat to our societies together. today i affirmed the united states' willingness to assist colombia's strategy, to target and eliminate drug trafficking networks, illicit financings, cocoa cultivation and cocaine production, of which there is far too much.

PRESIDENT TRUMP: the drug epidemic is poisoning too many american lives and we're going to stop it. many different ways, one of them will be the wall. my administration is committed to keeping drugs and gangs pouring into our country. already border crossings are down more than 73%. secretary kelly is with us. he has done a fantastic job. thank you very much, mr. secretary. in short, we have a tremendous group of people working with us in terms of ice, the ice patrol and the border patrol agents. they've done a fantastic job, and i would like to you give them my highest compliments, mr. secretary. ms13, likewise a horrible, horrible, large group of gangs that have been let into our country over a fairly short period of time, are being decimated by the border patrol, by i.c.e. and by our incredible local police forces. they are getting out of our country or, in some cases, going directly into prisons throughout our country. but they've literally taken over towns and cities of the united states. they will be gone very quickly. i look forward to working with president santos as we target drug trafficking. both the united states and colombia have strong law enforcement and security relationship. we've had it, and especially over the last fairly short period of time. together we will continue to fight the criminal networks responsible for the deadly drug trade that our people have a really strong commitment to getting rid of because they want a much brighter future. president santos and i also discussed the deteriorating situation in venezuela, and it is really in a very bad state as you see, as we all see through theia. the stable and peaceful venezuela is in the best interests of the entire hemisphere, and america stands with all of the people in our great hemisphere yearning to be free.

PRESIDENT TRUMP: we will be working with colombia and other countries to the venezuelan problem. it is a very, very horrible problem, and from a humanitarian stand point it is like nothing we've seen in quite a long time. the united states and colombia are also strong economic partners and we will continue to pursue trade policies that benefit both of our peoples. the nations common goals of protecting our citizens, expanding opportunity and confronting the drug crisis will improve the lives of our people and many throughout the region. so many people are being so horribly affected by what's going on in terms of violence and in terms of drugs, and we're going to take care of the situation, and we both agreed to take care of it strongly and quickly. president santos, it was an honor to meet with you and your entire group of representatives. very talented people indeed, who have been working with us and my representatives. i look forward to many more productive meetings such as the one we just had. i would like to thank you very much for being at the white house. being our guest and i would like to congratulate you on winning the nobel peace

prize. that's a very great achievement. thank you very much.

PRESIDENT CARLOS SANTOS: mr. president, i want to thank you personally for this warm and productive visit and for the strong support colombia has from your administration, from congress and from the american people. as you know, our nations have had for a long time a strategic alliance, an extraordinary friendship. we believe in the same principles of democracy, freedom and the rule of law, and we work so that the western hemisphere can be more prosperous and safe. the united states and colombia, both democracies of greater – of longer standing in the hemisphere, we have supported each other. our soldiers fight shoulder-to-shoulder in the korean war at the request of the united states we sent anti-drug experts to afghanistan and today colombia and the united states are working together to support central america in their fight against drug cartels, the violence of organized crime. i can say, mr. president, based on our conversation this afternoon that i have no doubt that the united states and colombia continue to be today more than ever a support one for the other. our alliance was strengthened. our most valuable cooperation has been plan colombia which i can sum up in very simple terms.

PRESIDENT SANTOS: when colombians were fighting to survive for survive, for our democracy to survive actually, faced with the threat of terrorism and drug trafficking, the united states stretched out a us win that battle. we will never forget it. today we live in a different country. today colombia is a more peaceful society, a more modern and a fairer society. in november last year we ended the longest and last armed conflict existing in our hemisphere. the guerilla is putting down weapons at this precise time to the united nations and security has gone down significantly. today we have the lowest levels of violence of the last 40 years. amt at the same time we have had significant progress for our citizens on issues such as education, housing, health and social services. millions of colombians have been lifted out of poverty. today we continue next to you as partners in peace colombia, to consolidate peace in the most affected areas. with the robust support of your government we are removing thousands of anti-personnel mines that murdered and mutilated children, women and soldiers. we are healing the wounds of our victims and we are embarking on a big social development program.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F18%2F2017+16%3A17%3A01&market=m1&StationID=100>

PRESIDENT SANTOS: such as we said today, we are working with your administration to take advantage of the unique opportunity peace offers so as to reduce permanently the production of cocoa leaf in effectively the other links in drug trafficking including consumption. we must continue and deepen the fight against organized crime, trans national crime, responsible not just for drug trafficking but also for human trafficking and illegal mining. our shared agenda, framed within a high-level dialogue that we colombians value so much includes cooperation which has allowed us to have unprecedented progress towards quality education for everyone, and this is a priority in the policies of my government. we wish to do more with regards to innovation and technology. with the active participation of the private sector, we have reached trade agreements, investment agreements that are mutually beneficial. this morning we established the entrepreneurial council between the united states and colombia. we are and wish to continue to be the best destination in latin america for american businesses. colombia will continue to be very proudly a close friend and a strategic ally of the united states. dear president trump, i hope you can visit us soon so that you can personally witness the transformation underway in our country. i hope to be able to welcome you to a colombia in peace a more equitable colombia a better educated colombia that you have



so much contributed to. thank you so much.

PRESIDENT TRUMP: thank you very much. does anybody have any questions? i'm shocked. john, go ahead.

REPORTER: mr. president, thank you very much.

PRESIDENT TRUMP: thank you.

REPORTER: i would like to – mr. president, i would like to get your reaction to deputy attorney general rod rosenstein's decision to appoint a special counsel to investigate the russia – russian interference in the campaign. was this the right move or is this part of a witch hunt?

PRESIDENT TRUMP: well, i respect the move, but the entire thing has been a witch hunt and there is no collusion between certainly myself and my campaign, but i can always speak for myself, and the russians, zero. i think it divides the country. i think we have a very divided country because of that, and many other things. so i can tell you that we want to bring this great country of ours together, john. i will also say very strongly, we've had tremendous success. you look at our job numbers. you look at what is going on at the border, as we discussed before. you look at what will be happening, you're going to see some incredible numbers with respect to the success of general mattis and others with the isis situation. the numbers are staggering, how successful they've been, the military has been. tomorrow, as you know, i'm going to saudi arabia, i'm going to israel, i'm going to rome and we have the g7. we have a lot of great things going on. so i hate to see anything that die yields divides – i'm fine with whatever people want to do, but we have to get back trouning this – to running this country really well. we have made tremendous progress in the last 100 and some odd days, tremendous progress. you see job numbers. you see all of the production that's starting, plants starting to open again that haven't been opened in years. i'm very proud of it. that's what i want to be focused on because, believe me, there's no collusion. russia is fine, but whether it is russia or anybody else, my total priority, believe me, is the united states of america. so thank you very much.

REPORTER: president trump, president santos. can we say that today we are setting a new road map in the relationship between colombia and the united states, which are the concrete commitments? you were talking about the post-conflict time. many funds are needed for that. on the issue of venezuela, president trump, many deaths, human rights violations. there's plenty to be done.

PRESIDENT TRUMP: as well as a very, very serious problem, we haven't really seen a problem like that i would say, mr. president, in decades, in terms of the kind of violence that we're witnessing. the president was telling me, and i knew, that venezuela was a very, very wealthy country, just about the wealthiest in your neck of the woods and had tremendous strengths in so many different ways, and now it is – it is poverty stricken. people don't have enough to eat. people have no food. there's great violence. and we will do whatever is necessary and we will work together to do whatever is necessary to help with fixing that. and i'm really talking on a humanitarian level. when you look at the oil reserves that they have, when you look at the potential wealth that venezuela has, you sort of have to wonder why is that happening, how is that possible? but it has been unbelievably poor for a long period of time, and hopefully that will change and they could use those those assets for the good and to take care of their people. because right now what is

happening is really a disgrace to humanity. john, i think you also had a question for the president, if you would like to.

REPORTER: does he have another one?

PRESIDENT TRUMP: yeah.

PRESIDENT SANTOS: the commitment on president trump's side and his administration was shown through the approval of the budget that for colombia means an increase in the support to fund the post-conflict era. last night we received from a very important organization, the atlantic council, a report which includes both parties, preside willed by a republican senator and a democrat senator, with the road map recommending the governments of the united states and colombia to follow. this morning we established the entrepreneurial council of the united states and colombia so can have a voice in that road map. this means we are working together on every front that can be convenient for both countries. we will continue to work together. we have ratified that commitment doo today during our conversation. as i said before, we have the best of relations with the united states. we are strategic allies in the region, and we will continue to be so.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F18%2F2017+16%3A25%3A10&market=m1&StationID=100>

REPORTER: thank you, mr. president. president santos, to you, you heard president trump say that it is critical to stopping the flow of drugs into the united states will be the wall that he wants to build on border. do you agree with him? would that wall be a step, a positive step and a step towards reducing the flow of drugs across the border?

PRESIDENT SANTOS: i believe that the best way to fight the drug trafficking is by collaborating. this is not a problem of colombia only or a problem of the united states only. it is a world problem. and we have to all work together. we declared the war on drug 40 years ago. the world declared a war on drugs, and it is a war that has not been run. so we must be more effective and more efficient. now, we are doing very big effort because of the peace process to have a new strategy, carrot and stick. stick by force the ratification, we have already eradicated this year only 15,000 hectares, which is the whole volume that we eradicated last year, and we are starting to eradicate – to substitute voluntarily through a program where the peasants – and we have 80,000 families already in the program, that they are going to substitute for legal crops. this is the first time that this could be done because of the peace. before the conflict did not allow us to build roads and to give these pesasants an alternative. now we have. now we have to take advantage of this opportunity and continue reducing the production of cocoa. in the mean while, we will work together, the u.s. and colombia with other countries, central america, to fight the other links in the chain, the intermediaries. we have destroyed 22,000 laboratories in the colombian jungles, cocoa in the transit. we have seized record amount of tons last year and this year we're doing even better than last year. so by working together we can be much more effective, and that is the commitment we just made or ratified this afternoon.

PRESIDENT TRUMP: and that was a long and very diplomatic answer to your question. i will say it a little bit shorter. walls work. just ask israel. they work. believe me, they work. and we have no choice. peter baker, yes.

REPORTER: thank you, mr. president. in the light of a very busy news week a lot of people would like to get to the bottom of a couple of things. given you a chance to go on record here. did you at any time urge former fbi director james comey in any way shape or form to close or back down the investigation into michael flynn?

PRESIDENT TRUMP: no.

REPORTER: also as you look back –

PRESIDENT TRUMP: no. next question.

REPORTER: next question. always you look back over the past six months or a year, have you had any recollection where you have wondered if anything you have done has been something that might be worthy of criminal charges in these investigations or impeachment as some on the left are implying?

PRESIDENT TRUMP: i think it is totally ridiculous. everybody thinks so. again, we have to get back to working our country properly so that we can take care of the problems that we have. we have plenty of problems. we have done a fantastic job. we have a tremendous group of people. millions and millions of people out there that are looking at what you have just said and said, what are they doing? director comey was very unpopular with most people. i actually thought when i made that decision – and i also got a very, very strong recommendation, as you know, from the deputy attorney general, rod rosenstein. but when i made that decision, i actually thought it would be a bipartisan people on the democratic side, not only the republican side, that were saying such terrible things about director comey. then he had the very poor performance on wednesday. that was a poor, poor performance. so poor, in fact, that i believe – and you would have to ask him because i don't like to speak for other people, but i believe that's why the deputy attorney general went out and wrote his very, very strong letter. and then on top of that, after the wednesday performance by director comey you had a person come and have to readjust the record, which many people have never seen before, because there were misstatements made. i thought that was something that was terrible. we need a great director of the fbi. i cherish the fbi. it is special. all over the world, no matter where you go, the fbi is special. the fbi has not had that special reputation with what happen in the campaign, what happen with respect to the clinton campaign, and even you could say directly or indirectly with respect to the much more successful trump campaign.

PRESIDENT TRUMP: we're going to have a director who is going to be outstanding. i will be announcing that director very soon, and i look forward to doing it. i think the people in the fbi will be very, very – very, very thrill. and just in concluding, we look forward to getting this whole situation behind us so that when we go for the jobs, when we go for the strong military, when we go for all of the things that we've been pushing so hard and so successfully, including health care – because obamacare is collapsing. it is dead. it is gone. there's nothing to compare anything to because we don't have health care in this country. you just look at what is happening. aetna just pulled out. other insurance companies are pulling out. we don't have health care. obamacare is a fallacy. it is g care. we need to cut taxes. we are going to cut taxes. forget what i if i get what i want, it will be the biggest tax cut in the history of our nation and that's what i want. it is going to bring back companies, it is going to bring back jobs. we lost so many jobs and companies to countries know so far to you, mr. president, they're very close to you, actually, and to many other places throughout the world. we're going to change that. we're going to have expansion. we already do.

you look at what is happening with ford and general motors in michigan and ohio, you look at the tremendous number of jobs being announced in so many different fields. that's what i'm proud of and that's what we want to focus our energy on. the other is something i can only tell you, there was no collusion, and everybody – even my enemies have said, there is no collusion. so we want to get back and keep on the track that we're on, because the track that we're on is record-setting and that's what we want to do, is we want to break very positive records. thank you. you could ask a question.

PRESIDENT SANTOS: sorry. you have another question?

REPORTER: yes, sir, mr. president. my question is as someone who led a nation that's done a lot of rebuilding and had to fight rebound over drugs over a number of years, what do you make of mr. trump's policy of america first? further, you have had a tough time with talk radio and you have been called a punching bag and you have had to persevere. do you have advice for president trump on how to do so?

PRESIDENT SANTOS: i don't think i'm in position to give advice to president trump. he can take care of himself. and what i – what we did in colombia, you quite rightly mentioned it, is persevere. we – when you know your poor of this nation and you know that you're doing the correct thing, you simply have to persevere. that's what we've done in colombia and that's why we were on the verge of being a failed state some years ago and now we're one of the stars of the region. and that's through hard work, perseverance and clarity of your objectives. that's what we have done and we have to continue, because the trip is not over.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F18%2F2017+16%3A33%3A56&market=m1&StationID=100>

REPORTER: mr. president, i would like to ask you about trade. you are about to start the renegotiation of nafta, and colombia and like other countries in the hemisphere has a large trade deficit with the united states. are you worried about the fact that that could contribute to increasing that trade deficit? decision on the peace process in colombia.

PRESIDENT TRUMP: well, it's been a long process and it's been a great thing to watch in the sense that the president did a fantastic job. that's not easy after so many years of war. so i'm very, very proud to get to know you, and i really congratulate you. there's nothing tougher than peace, and we want to make peace all over the world, and you are really a great example of somebody that started it. i mean farq, that was a long, tough situation, as you know very welcoming from the country. but i think the president has done a magnificent job. not easy, but he's done a magnificent job.

PRESIDENT SANTOS: clear and possible. on the trade issue, our deficit with the united states is moderate deficit which, of course, both countries will try to increase the volume of trade in both directions, and investments also in both directions. colombia is becoming an important investor here in the united states, and this is something not many people know, but we have considerable investments in the united states. we have attempted to give – to these flows of trade and investment, getting together those main players who are the investors in the private sector. i believe the foundations have been laid. we have the trade agreement which is working well. the number of colombian businesses that export into the united states has grown. and we both believe

that we can take greater advantage of those agreements in order to increase flows in both directions for the benefit both of the colombian and american peoples.

PRESIDENT TRUMP: thank you very much, everybody. thank you. thank you.

Disclaimer: The Republican National Committee provided the above article as a service to its employees and other selected individuals. Any opinions expressed therein are those of the article's author and do not necessarily reflect the views and opinions of the RNC.

## Kathryn Beard

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**From:** Kathryn Beard  
**Sent:** Thursday, May 18, 2017 1:37 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Democracy 21 Letter Commends Mueller Appointment, Urges Deputy AG Rosenstein to Provide Appropriate Resources & Ongoing Independence

May 18, 2017

Hon. Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Deputy Attorney General Rosenstein:

Democracy 21 commends you on your decision yesterday to appoint Robert Mueller as an independent Special Counsel to lead the Department's investigation into Russian interference in the 2016 presidential election and possible collusion between the Trump campaign and Trump associates and Russian actors.

As a former FBI Director, U.S. Attorney and head of the Justice Department's Criminal Division, Mr. Mueller is extraordinarily well qualified to serve as the independent head of this investigation.

In letters sent on March 3, 2017 and May 10, 2017, Democracy 21 called for the appointment of a Special Counsel to head this investigation under the applicable Department regulations, 28 C.F.R. § 600 *et seq.* Your decision to invoke your authority under section 600.1 to name Mr. Mueller clearly serves the public interest in ensuring that there is a comprehensive, independent and publicly credible investigation into these matters of critical national importance.

The applicable Departmental regulations, however, continue to provide the Attorney General with some oversight authority regarding the Special Counsel's investigation. In light of Attorney General Sessions' recusal from this matter on March 2, 2017, you now exercise this authority. We urge you to do so with great caution, and to ensure that Mr. Mueller is provided with all the resources he needs to conduct his investigation with appropriate independence.

For example, the regulations provide that the Special Counsel, within the first 60 days of his appointment, "shall develop a proposed budget" for his investigation that is subject to the Attorney General's review and approval. 28 C.F.R. §600.8(a). In exercising this approval authority you need to recognize the specific requirement in the regulations that a Special Counsel "shall be provided all appropriate resources by the Department of Justice." *Id.*

Similarly, the Special Counsel "may request the assignment of appropriate Department employees" and "may request that additional personnel be hired or assigned from outside the Department." *Id.* § 600.5.

Again, the regulations require that you and all Department personnel “cooperate to the fullest extent possible with the Special Counsel” in ensuring there is adequate staff for the investigation. *Id.*

The regulations provide that the Special Counsel “shall not be subject to the day-to-day supervision of any official in the Department.” *Id.* § 600.7(b). The regulations, however, also provide you with the authority to review “any investigative or prosecutorial step” taken by the Special Counsel and to conclude that the action “is so inappropriate or unwarranted under established Departmental practices that it should not be pursued.” *Id.* § 600.7(b).

You should exercise this review authority with great care. Any intervention by you or other members of the Justice Department in the Special Counsel’s independent conduct of this investigation should be taken in only the most extreme of circumstances. Any such interference is likely to seriously undermine the public credibility of the Special Counsel’s investigation. The regulation itself provides that in exercising your review authority, “the Attorney General will give great weight to the views of the Special Counsel.” *Id.*

Furthermore, in the event that you exercise the authority to override an investigative or prosecutorial step taken by the Special Counsel, you are required by the regulations to notify the Chairmen and Ranking Members of the House and Senate Judiciary Committees of your action. *Id.* 600.7(b), §600.9(a). The regulations give you discretion to “determine that public release of these reports would be in the public interest, to the extent that release would comply with applicable legal restrictions.” *Id.* § 600.9(c).

It is essential to the credibility of the Special Counsel investigation that you publicly release any report you make to the Judiciary Committee leaders in the event you override a position taken by the Special Counsel, in accordance with this provision of the regulations.

Democracy 21 again commends you for appointing an extremely, well qualified Special Counsel and calls on you to take all necessary steps to ensure that Mr. Mueller is able to conduct a publicly credible, independent investigation of this matter, supported with appropriate resources.

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer

Copy to: Robert Mueller, Special Counsel

**Carter Page**

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**From:** Carter Page  
**Sent:** Thursday, May 18, 2017 9:20 AM  
**To:** Rosenstein, Rod (USAMD); Robert Mueller  
**Subject:** Donald J. Trump on Twitter: "With all of the illegal acts that took place in the Clinton campaign & Obama Administration, there was never a special council appointed!"

POTUS is absolutely right, per Subject tweet below.... As he was in his Trump Tower wiretap tweet from early March about me / us. This week's requested FISA disclosure will help our country get to the bottom of all this, and end Mrs. Clinton's nonsense once and for all:

<https://mobile.twitter.com/realDonaldTrump/status/865169927644340224>

Sent from my iPhone



(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, May 18, 2017 7:42 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Thank you!

Attorney Rosenstein,

Thank you, thank you for appointing Robert Muller as special counsel to lead the Russia investigation.

Well done.

(b)(6)  
Falmouth, MA

**Davis, Katherine**

---

**From:** Davis, Katherine  
**Sent:** Wednesday, May 17, 2017 9:29 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Re: Question

Got it. Tx

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Rosenstein, Rod (USAMD)  
Sent: Wednesday, May 17, 2017 9:27 PM  
To: Davis, Katherine  
Subject: Re: Question

Off the record: AG, or acting AG if the AG is recused.

\*Please delete Rod.Rosenstein@usdoj.gov<mailto:Rod.Rosenstein@usdoj.gov> from your contacts and use my new DOJ email address instead: Rod.Rosenstein5@usdoj.gov<mailto:Rod.Rosenstein5@usdoj.gov>.

On May 17, 2017, at 9:03 PM, Davis, Katherine <DavisK@cbsnews.com<mailto:DavisK@cbsnews.com>> wrote:

So he reports to you? Or AG Sessions?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Rosenstein, Rod (USAMD)  
Sent: Wednesday, May 17, 2017 8:37 PM  
To: Davis, Katherine  
Subject: Re: Question

Off the record: This special counsel is a DOJ employee. His status is similar to a US Attorney.

\*Please delete Rod.Rosenstein@usdoj.gov<mailto:Rod.Rosenstein@usdoj.gov><mailto:Rod.Rosenstein@usdoj.gov> from your contacts and use my new DOJ email address instead: Rod.Rosenstein5@usdoj.gov<mailto:Rod.Rosenstein5@usdoj.gov><mailto:Rod.Rosenstein5@usdoj.gov>.

On May 17, 2017, at 7:29 PM, Davis, Katherine <DavisK@cbsnews.com<mailto:DavisK@cbsnews.com>><mailto:DavisK@cbsnews.com>> wrote:

Good call on Mueller. Although I obviously thought you'd be great at leading the investigation too.

One question: Mueller has the authority to investigate and prosecute, right? So would DOJ be involved if there is a prosecution? I'm unclear as to what DOJ's role is now in any potential future prosecution in this case. Can you clarify?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**Rosenstein, Rod (USAMD)**

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**From:** Rosenstein, Rod (USAMD)  
**Sent:** Wednesday, May 17, 2017 8:37 PM  
**To:** Dale P. Kelberman  
**Subject:** Re: Mueller appointment

Thank you. Never a dull moment.

*\*Please delete [Rod.Rosenstein@usdoj.gov](mailto:Rod.Rosenstein@usdoj.gov) from your contacts and use my new DOJ email address instead: [Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov).*

On May 17, 2017, at 7:34 PM, Dale P. Kelberman (b)(6) wrote:

Excellent decision and superb choice! Hang in there...

Dale P. Kelberman

**Horwitz, Sari**

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**From:** Horwitz, Sari  
**Sent:** Wednesday, May 17, 2017 7:23 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** RE: Special Counsel

I look forward to that.

---

**From:** Rosenstein, Rod (ODAG) [mailto:Rod.Rosenstein5@usdoj.gov]  
**Sent:** Wednesday, May 17, 2017 6:53 PM  
**To:** Horwitz, Sari <Sari.Horwitz@washpost.com>  
**Subject:** RE: Special Counsel

At some point, I owe you a long story. But this is not the right time for me to talk to anybody.

---

**From:** Horwitz, Sari [mailto:Sari.Horwitz@washpost.com]  
**Sent:** Wednesday, May 17, 2017 6:34 PM  
**To:** Rosenstein, Rod (ODAG) <rosenstein@jmd.usdoj.gov>  
**Subject:** Special Counsel

Now, I see why you couldn't talk today! Obviously, we're writing a big story about this. Is there any chance I could talk to you on background about your decision? Would really appreciate a few moments of your time on this.

Best,  
Sari

(b)(6)

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**From:** (b)(6)  
**Sent:** Wednesday, May 17, 2017 10:28 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** We need an independent investigation ASAP

Attorney Rosenstein,

Yes, another email from me! to request that you not let your integrity be exploited by this administration.

Please appoint a special counsel ASAP to investigate the Trump family's and campaign's and administration's ties to Russia.

Thank you,

(b)(6)  
Falmouth, MA

**Rosenstein, Rod (ODAG)**

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**From:** Rosenstein, Rod (ODAG)  
**Sent:** Wednesday, May 17, 2017 6:30 PM  
**To:** Eisenberg, Harvey (USAMD)  
**Subject:** Re: SPECIAL COUNSEL NAMED: Ex-FBI chief Mueller to oversee Russia investigation

Thank you.

On May 17, 2017, at 6:07 PM, Eisenberg, Harvey (USAMD) <[Harvey.Eisenberg@usdoj.gov](mailto:Harvey.Eisenberg@usdoj.gov)> wrote:

Great move, Rod!

Harvey Eisenberg  
Assistant U.S. Attorney  
Chief, National Security Section  
District of Maryland

Coordinator, Anti-Terrorism  
Advisory Council of Maryland  
(410) 209-4843 (o)  
(b)(6) (m)

Sent from my iPhone

Begin forwarded message:

**From:** "FoxNews.com" <[foxnews@newsletters.foxnews.com](mailto:foxnews@newsletters.foxnews.com)>  
**Date:** May 17, 2017 at 6:05:42 PM EDT  
**To:** [harvey.eisenberg@usdoj.gov](mailto:harvey.eisenberg@usdoj.gov)  
**Subject:** **SPECIAL COUNSEL NAMED: Ex-FBI chief Mueller to oversee Russia investigation**  
**Reply-To:** [foxnews\\_7D0BB3DDB3093B2AD9FA0A9C4FE014AC@newsletters.foxnews.com](mailto:foxnews_7D0BB3DDB3093B2AD9FA0A9C4FE014AC@newsletters.foxnews.com)

Deputy Attorney General Rod Rosenstein has appointed former FBI Director Robert Mueller to oversee the bureau's investigation of Russian actions during the 2016 presidential election.

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**Schools, Scott (ODAG)**

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**From:** Schools, Scott (ODAG)  
**Sent:** Wednesday, May 17, 2017 3:00 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** Order  
**Attachments:** 2017-05-17 Draft order.docx

## Kathryn Beard

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**From:** Kathryn Beard  
**Sent:** Wednesday, May 17, 2017 12:47 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Democracy 21 Letters to McGahn & Rosenstein Point Out Nixon Said He Should've Destroyed Watergate Tapes

Hon. Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Deputy Attorney General Rosenstein:

Democracy 21 is writing to urge you to take all steps necessary under the law to ensure that any White House tape recordings of President Trump's conversations are preserved as evidence for potential criminal or congressional investigations.

Such investigations, including an investigation of whether President Trump has committed obstruction of justice, may be undertaken in light of the FBI investigation into Russia's interference in the 2016 presidential election and the events over the last three months that ended with President Trump's recent firing of FBI Director James Comey.

After his firing of Director Comey on May 9, the President in a tweet said, "James Comey better hope [\[1\]](#) that there are no 'tapes' of our conversations before he starts leaking to the press!"

This statement by the President strongly implies that the White House has taped some or all of the President's conversations, a fact that the White House has subsequently not denied.

History shows that President Richard Nixon faced a temptation to destroy the tape recordings that ended up being used against him in the Watergate investigations.

In April 1973, as the Watergate crisis mounted and before the existence of his White House tapes was publicly revealed, President Nixon agreed to have the tape recordings destroyed. In a conversation with aide H.R. Haldeman on April 9, 1973, Nixon "agreed with Haldeman that they ought to 'get rid' of the [\[2\]](#) recordings."

However, he and Haldeman did not then act on the agreement.

Nixon later regretted that he had not destroyed the White House tapes. According to a biography of Nixon:

He would come to rue his decision not to destroy the tapes. Indeed, he had second thoughts

He would come to rue his decision not to destroy the tapes. Indeed, he had second thoughts almost right away. In the early hours of Thursday, July 19, he made a note on his bedside pad: "Should have destroyed the tapes after April 30, 1973." In early April, Nixon and Haldeman had discussed getting rid of all the tapes save the ones recording his major foreign policy decisions. Distracted and caught up in Watergate, Nixon and Haldeman had not acted on this instinct. By July 19, it was too late: The subpoenas from investigators had begun to

[3]  
arrive.

If, as President Trump implied, White House tapes of his conversations exist, it is your legal obligation to take all necessary steps to preserve those recordings as possible evidence in pending or future investigations.

The nation was fortunate that President Nixon and his aides did not act on Nixon's impulse to destroy the tape recordings. Those recordings became crucial evidence in the Watergate investigations that led to the ultimate resignation of President Nixon.

One of the lessons of Watergate is that any similar desire that President Trump might have to destroy White House tape recordings must be thwarted.

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer  
President

---

[1] @realDonaldTrump, May 12, 2017.

[2] G. Lardner and W. Pincus, "Nixon Ordered Tapes Destroyed," *The Washington Post* (October 30, 1997).

[3] E. Thomas, *Being Nixon: A Man Divided*, Random House (2015).

**Rosenstein, Rod (USAMD)**

---

**From:** Rosenstein, Rod (USAMD)  
**Sent:** Tuesday, May 16, 2017 3:54 PM  
**To:** Filip, Mark  
**Subject:** Re: Tried you and left vmm. I'm at 312.862.2192. Please call when it works for you, and thank you.

I am with Mueller. He shares my view. Duty calls. Sometimes the moment chooses us.

*\*Please delete [Rod.Rosenstein@usdoj.gov](mailto:Rod.Rosenstein@usdoj.gov) from your contacts and use my new DOJ email address instead: [Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov).*

On May 16, 2017, at 1:09 PM, Filip, Mark <[mark.filip@kirkland.com](mailto:mark.filip@kirkland.com)> wrote:

Mark Filip, P.C.

-----  
KIRKLAND & ELLIS LLP  
300 North LaSalle, Chicago, IL 60654  
T +1 312 862 2192  
-----

[mark.filip@kirkland.com](mailto:mark.filip@kirkland.com)

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**Rosenstein, Rod (USAMD)**

---

**From:** Rosenstein, Rod (USAMD)  
**Sent:** Tuesday, May 16, 2017 3:25 PM  
**To:** Filip, Mark  
**Subject:** Re: Tried you and left vmm. I'm at 312.862.2192. Please call when it works for you, and thank you.

Mukasey may call. Please listen.

*\*Please delete [Rod.Rosenstein@usdoj.gov](mailto:Rod.Rosenstein@usdoj.gov) from your contacts and use my new DOJ email address instead: [Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov).*

On May 16, 2017, at 1:09 PM, Filip, Mark <[mark.filip@kirkland.com](mailto:mark.filip@kirkland.com)> wrote:

Mark Filip, P.C.

-----  
KIRKLAND & ELLIS LLP  
300 North LaSalle, Chicago, IL 60654  
T +1 312 862 2192  
-----

[mark.filip@kirkland.com](mailto:mark.filip@kirkland.com)

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(b)(6)

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**From:** (b)(6)  
**Sent:** Tuesday, May 16, 2017 10:10 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** We need an independent investigation

Please do not let your integrity be exploited by this administration.

Please appoint a special counsel to investigate the Trump family's and campaign's and administration's ties to Russia.

Thank you,  
(b)(6)  
Falmouth, MA

--  
(b)(6)

**Rosenstein, Rod (ODAG)**

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**From:** Rosenstein, Rod (ODAG)  
**Sent:** Tuesday, May 16, 2017 12:00 AM  
**To:** Mueller III, Robert S.  
**Subject:** Re: I assume you realize

Sorry I missed you tonight.

<http://www.baltimoresun.com/news/maryland/politics/bs-md-rod-rosenstein-20170516-story.html>

On May 13, 2017, at 10:41 AM, Mueller III, Robert S. <[Robert.Mueller@wilmerhale.com](mailto:Robert.Mueller@wilmerhale.com)> wrote:

Please. That would work. Thanks.

On May 13, 2017, at 10:40 AM, Rosenstein, Rod (ODAG)  
<[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> wrote:

Can I call at 11:15?

On May 13, 2017, at 10:29 AM, Mueller III, Robert S.  
<[Robert.Mueller@wilmerhale.com](mailto:Robert.Mueller@wilmerhale.com)> wrote:

Rod, if you have a moment, would you please give me a call. My number is (b)(6). Thanks.

On May 12, 2017, at 9:15 PM, Rosenstein, Rod  
(ODAG) <[Rod.Rosenstein5@usdoj.gov](mailto:Rod.Rosenstein5@usdoj.gov)> wrote:

The boss and his staff do not know about our discussions.

**Rosenstein, Rod (ODAG)**

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**From:** Rosenstein, Rod (ODAG)  
**Sent:** Monday, May 15, 2017 1:33 PM  
**To:** Hunt, Jody (OAG)  
**Subject:** Fwd: Mueller  
**Attachments:** Outline.docx; ATT00001.htm

Begin forwarded message:

**From:** "Schools, Scott (ODAG)" <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Date:** May 15, 2017 at 11:47:24 AM EDT  
**To:** "Rosenstein, Rod (ODAG)" <[rosenstein@jmd.usdoj.gov](mailto:rosenstein@jmd.usdoj.gov)>  
**Subject:** RE: Mueller

Per your request. Please let me know if you need anything else.

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Sunday, May 14, 2017 3:56 PM  
**To:** Schools, Scott (ODAG) <[sschools@jmd.usdoj.gov](mailto:sschools@jmd.usdoj.gov)>  
**Subject:** Mueller

(b)(5)





(b)(6)

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**From:** (b)(6)  
**Sent:** Monday, May 15, 2017 9:58 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** We need an independent investigation

Please do not let your integrity be exploited by this administration.

Please appoint a special counsel to investigate the Trump family's and campaign's and administration's ties to Russia.

Thank you,  
(b)(6)  
Falmouth, MA

--  
(b)(6)

**Schools, Scott (ODAG)**

---

**From:** Schools, Scott (ODAG)  
**Sent:** Sunday, May 14, 2017 4:09 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** Re: Mueller

Sure. (b)(5)

Sent from my iPhone

On May 14, 2017, at 3:56 PM, Rosenstein, Rod (ODAG) <[rosenstein@jmd.usdoj.gov](mailto:rosenstein@jmd.usdoj.gov)> wrote:

(b)(5)

**Schools, Scott (ODAG)**

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**From:** Schools, Scott (ODAG)  
**Sent:** Sunday, May 14, 2017 11:43 AM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** Food for thought  
**Attachments:** (b)(5), (b)(6)

**Crowell, James (ODAG)**

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**From:** Crowell, James (ODAG)  
**Sent:** Sunday, May 14, 2017 10:13 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Fwd: WaPo: Former attorney general: Trump made the right call on Comey

Sent from my iPhone

Begin forwarded message:

**From:** Sarah Isgur Flores (b)(6)  
**Date:** May 13, 2017 at 10:36:07 AM EDT  
**To:** "Crowell, James (ODAG)" <[james.crowell@usdoj.gov](mailto:james.crowell@usdoj.gov)>, "Hunt, Jody (OAG)" <[jody.hunt@usdoj.gov](mailto:jody.hunt@usdoj.gov)>  
**Subject:** Fwd: WaPo: Former attorney general: Trump made the right call on Comey

---

**From:** RNC War Room <[Warroom@gop.com](mailto:Warroom@gop.com)>  
**Sent:** Saturday, May 13, 2017 10:16:22 AM  
**Subject:** WaPo: Former attorney general: Trump made the right call on Comey

**Former attorney general: Trump made the right call on Comey**

Washington Post

William Barr

May 12, 2017 – 7:38 PM

[https://www.washingtonpost.com/opinions/former-attorney-general-trump-made-the-right-call-on-comey/2017/05/12/0e858436-372d-11e7-b4ee-434b6d506b37\\_story.html?utm\\_term=.58b498587f27](https://www.washingtonpost.com/opinions/former-attorney-general-trump-made-the-right-call-on-comey/2017/05/12/0e858436-372d-11e7-b4ee-434b6d506b37_story.html?utm_term=.58b498587f27)

Having served as both attorney general and deputy attorney general in the Justice Department, I had responsibility for supervising the FBI, working on virtually a daily basis with its senior leadership. From that experience I came to understand how fortunate we are as a nation to have in the FBI the finest law-enforcement organization in the world — one that is thoroughly professional and free of partisanship. I offer this perspective on President Trump's removal of FBI Director James B. Comey.

Comey is an extraordinarily gifted man who has contributed much during his many years of public service. Unfortunately, beginning in July, when he announced the outcome of the FBI investigation into Hillary Clinton's use of a private email server while secretary of state, he crossed a line that is fundamental to the allocation of authority in the Justice Department.

While the FBI carries out investigative work the responsibility for supervising directing and

ultimately determining the resolution of investigations is solely the province of the Justice Department's prosecutors. With an investigation as sensitive as the one involving Clinton, the ultimate decision-making is reserved to the attorney general or, when the attorney general is recused, the deputy attorney general. By unilaterally announcing his conclusions regarding how the matter should be resolved, Comey arrogated the attorney general's authority to himself.

It is true, as I pointed out in a Post op-ed in October, that Attorney General Loretta E. Lynch, after her tarmac meeting with Bill Clinton, had left a vacuum by neither formally recusing herself nor exercising supervision over the case. But the remedy for that was for Comey to present his factual findings to the deputy attorney general, not to exercise the prosecutorial power himself on a matter of such grave importance.

Until Comey's testimony last week, I had assumed that Lynch had authorized Comey to act unilaterally. It is now clear that the department's leadership was sandbagged. I know of no former senior Justice Department official — Democrat or Republican — who does not view Comey's conduct in July to have been a grave usurpation of authority.

Comey's basic misjudgment boxed him in, compelling him to take increasingly controversial actions giving the impression that the FBI was enmeshed in politics. Once Comey staked out a position in July, he had no choice on the near-eve of the election but to reopen the investigation when new evidence materialized. Regrettably, however, this performance made Comey himself the issue, placing him on center stage in public political discourse and causing him to lose credibility on both sides of the aisle. It was widely recognized that Comey's job was in jeopardy regardless of who won the election.

It is not surprising that Trump would be inclined to make a fresh start at the bureau and would consult with the leadership of the Justice Department about whether Comey should remain. Those deliberations could not begin in earnest until the new deputy attorney general, Rod J. Rosenstein, to whom Comey would report, was confirmed and in a position to assess Comey and his performance. No matter how far along the president was in his own thinking, Rosenstein's assessment is cogent and vindicates the president's decision.

Rosenstein made clear in his memorandum that he was concerned not so much with Comey's past arrogation of power, as astonishing as it was, but rather with his ongoing refusal to acknowledge his errors. I do not dispute that Comey sincerely believes he acted properly in the best interests of the country. But at the same time, I think it is quite understandable that the administration would not want an FBI director who did not recognize established limits on his powers.

It is telling that none of the president's critics are challenging the decision on the merits. None argue that Comey's performance warranted keeping him on as director. Instead, they are attacking the president's motives, claiming the president acted to neuter the investigation into Russia's role in the election.

The notion that the integrity of this investigation depends on Comey's presence just does not hold water. Contrary to the critics' talking points, Comey was not "in charge" of the investigation.

In the Justice Department, responsibility for overseeing and directing investigations is lodged in the department's prosecutors. Because Attorney General Jeff Sessions has recused himself, the

investigation into Russian interference is being supervised by Rosenstein and Dana Boente, acting head of the department's National Security Division. Both men have long and exemplary service as career prosecutors in the department and were selected to hold political office as U.S. attorneys by President Barack Obama.

In short, responsibility for the integrity of the Russia investigation is vested in the hands of two highly regarded Obama veterans. Senate Democrats were well aware that Rosenstein would be overseeing the Russia investigation when they overwhelmingly joined with Republican senators in confirming him by a 94-to-6 vote.

Furthermore, the day-to-day work in that investigation was being done not by Comey but by career prosecutors and FBI agents, whose professionalism and integrity do not depend on the identity of the FBI director. Indeed, as the acting director, Andrew McCabe, just testified, FBI agents working on the investigation will do a thorough and professional job regardless of who is serving as the bureau's director.

According to news reports, the investigation is in full swing, with the Justice Department using a grand jury to subpoena relevant information, indicating a degree of thoroughness not evident in the investigation into Clinton's email server. Comey's removal simply has no relevance to the integrity of the Russian investigation as it moves ahead.

*William Barr was U.S. attorney general from 1991 to 1993.*

Disclaimer: The Republican National Committee provided the above article as a service to its employees and other selected individuals. Any opinions expressed therein are those of the article's author and do not necessarily reflect the views and opinions of the RNC.

**Rosenstein, Rod (ODAG)**

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**From:** Rosenstein, Rod (ODAG)  
**Sent:** Friday, May 12, 2017 10:57 PM  
**To:** Terwilliger, Zachary (ODAG)  
**Subject:** Re: (If you only read one article between now and Monday) Fwd: Former attorney general: Trump made the right call on Comey

Thanks.

On May 12, 2017, at 10:55 PM, Terwilliger, Zachary (ODAG) <[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)> wrote:

Sir,  
Have a great weekend. If you only read one article between now and Monday.

Begin forwarded message:

**From:** Zach Terwilliger (b)(6)  
**Date:** May 12, 2017 at 8:46:29 PM EDT  
**To:** <[zachary.terwilliger2@usdoj.gov](mailto:zachary.terwilliger2@usdoj.gov)>  
**Subject:** **Former attorney general: Trump made the right call on Comey**

[https://www.washingtonpost.com/opinions/former-attorney-general-trump-made-the-right-call-on-comey/2017/05/12/0e858436-372d-11e7-b4ee-434b6d506b37\\_story.html?utm\\_term=.5b691d71425c](https://www.washingtonpost.com/opinions/former-attorney-general-trump-made-the-right-call-on-comey/2017/05/12/0e858436-372d-11e7-b4ee-434b6d506b37_story.html?utm_term=.5b691d71425c)

**Crowell, James (ODAG)**

---

**From:** Crowell, James (ODAG)  
**Sent:** Sunday, May 14, 2017 10:12 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Fwd: This Week (ABC) – Laurence Tribe, Ken Starr (Comey Firing)

Sent from my iPhone

Begin forwarded message:

**From:** Sarah Isgur Flores (b)(6)  
**Date:** May 14, 2017 at 10:07:54 AM EDT  
**To:** "Crowell, James (ODAG)" <[james.crowell@usdoj.gov](mailto:james.crowell@usdoj.gov)>  
**Cc:** "[sarah.isgur.flores@usdoj.gov](mailto:sarah.isgur.flores@usdoj.gov)" <[sarah.isgur.flores@usdoj.gov](mailto:sarah.isgur.flores@usdoj.gov)>  
**Subject:** Fwd: This Week (ABC) – Laurence Tribe, Ken Starr (Comey Firing)

Nice statement about the DAG from starr in here

---

**From:** RNC War Room <[Warroom@gop.com](mailto:Warroom@gop.com)>  
**Sent:** Sunday, May 14, 2017 10:01:32 AM  
**Subject:** This Week (ABC) – Laurence Tribe, Ken Starr (Comey Firing)

**This Week (ABC) – Laurence Tribe, Ken Starr (Comey Firing)**

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=05%2F14%2F2017+09%3A49%3A28&market=m101&StationID=290>

GEORGE STEPHANOPOULOS: washington consumed by the president trump's firing of james comey this week. vice president pence right there. the big question now, what is going to happen next? we're joined by two of america's top lawyers. laurence tribe, consistenttutionconstitutional law professor at harvard and ken starr. president trump must be impeached, here's why. why?

LAURENCE TRIBE: because he's shown no respect for the rule of lauf. he regards himself as above the law. he thinks it's appropriate to essentially have a job interview with the fbi director. as we now know, the fbi director wanted to be reappointed. and the president essentially told him, well, we'll see. it depends. will you plead loyalty to me? kings and monarchs and dictators seek that kind of loyalty. he essentially said, if you say sure me that this meddlesome russia investigation will go away, maybe i'll keep you on. that's obstruction of justice. even within the technical term of the criminal code. but they're not relevant. the most relevant thing, because impeach smt our system's last resort for someone who treats himself or herself as above the law, most relevant thing is whether this president, by his recent course of action, on top of his violations of the foreign corruption or emoluments clause, he's shone he cannot be trusted to stay within the law. our last resort is to aet the person out of office.



STEPHANOPOULOS: the president also said in the same interview, he wanted the investigation to be done properly. he does have the right to fire an fbi director, doesn't he?

TRIBE: sure. the right to fire does not include the right to fire in the context of what amounts to a bribe. that is to say, i can fire you, you know, but i won't. if you do what i have no right to ask you to do. and that's to lay off. of course the president said he wants to get to the truth. he always says that. but i think we all know that those words do not speak as loudly as his actions.

STEPHANOPOULOS: professor starr, your response?

KEN STARR: i have the greatest respect for professor tribe. very fond of him. but i emphatically disagree. i agree what he said in terms of the last resort, that is correct. we don't want to go through this. think the key point is what is the reality as opposed to what is the theory? the reality is, and we just heard it from senator warner. the investigations are going forward. he just said, we're going to get to the truth. and i have the greatest respect for the fbi. there are other 10,000 special agents. there's now a very able, acting director of the fbi. in fact, if anything, the issues with respect to his spouse have been raised. think we need to allow the fbi to do its work. my two tours of duty at the justice department. my role as independent counsel, i worked with countless fbi agents. the directors are always people of complete integrity. let's allow the system to work.

STEPHANOPOULOS: the law has expired. by the deputy attorney general rod rosenstein could appoint a special counsel. the democrats saying it is necessary at this point. does the fact that the deputy attorney general is involved in the firing, was asked by the president come up with this explanation, should he be appointing a special counsel?

STARR: i don't think it causes any reason whatsoever, i was surprised to hear senator warner say, very uncomplimentary things about the memo. i think americans should read the memorandum. it's a three-page memorandum and let the people decide for themselves. rod rosenstein is a great patriot. he's overwhelmingly respected. he was confirmed almost unanimously by the united states senate. he just took office. let's give him the opportunity to come to his own judgments instead of putting all his pressure on him. i'll just say this. there's a huge cost. think the nation knows this. with the appointment of a special prosecutor. the first is delay. a special prosecutor, special counsel is a startup operation. he or she has nothing, absolutely nothing. go to go get office space, among other things. here's the key. the fbi is going to continue to serve whoever that special counsel is, heaven forbid, if we have one. more over, that special counsel is like wise going to come under political scrutiny. i can seek for that. lawrence walsh in iran contra can speak to that. there's no way to isolate from criticism. let's trust our guardrails. the checks and balances that we have, especially with the senate intelligence committee. i think we should be reassured when we have chairman burr and senator warper, both very respected members of the senate, both saying, democrat and republican, we're going to get to the truth of the matter.

STEPHANOPOULOS: professor tribe, you heard that. trust the guard rails.

TRIBE: trust is not what the framers of the united states constitution and of this country relied on. it's true that the president hasn't yet succeeded in ripping the guardrail apart. but i don't think we need to wait. yes, there should be a special counsel. and that special counsel, as ken starr, a friend, whom i'd like to see, can do the job effectively. that's not enough. the whole country needs to get to

the bottom of the russian collusion allegations. but in the meantime, we have a president who himself says trust me. he does not accept the boundaries of law. he base you cannily says that if anybody gets too close for comfort, i'm going to get rid of them. as long as that's in place, we cannot afford as a country to put our fate in the hands of someone so whimmical. the idea it could take time to get office space, my goodness, when we're at the verge of having the fundamentals of our system collapse, we can afford some office space.

STEPHANOPOULOS: from fersz starr, we're out of time. if you were looking into this case, would you be demanding tapes from the white house, if they do, indeed, exist?

STARR: absolutely. the investigation has to be thorough. you go where you think the truth is. you take the steps. i would say this. i know you have to go. we need to allow our system to work. our system is not one person. it is the office of the presidency. it's the entire truck chur that our famers put in place. it's the men and women of the fbi who we can trust in terms of the integrity and professionalism.

STEPHANOPOULOS: that is all we have time for today. thank you both very much for your time.

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**Marc H. Rosenbaum**

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**From:** Marc H. Rosenbaum  
**Sent:** Friday, May 12, 2017 5:15 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** May 12, 2017 Letter to DOJ from AUSA-SDNY

Dear Mr. Deputy Attorney General,

I am a former Assistant U.S. Attorney for the Southern District of New York who served under both U.S. Attorneys John S. Martin and Rudolph W. Giuliani from 1982 to 1986.

I am told that my name was inadvertently left off the list of signatories to the below letter sent to you today.

Please know that I echo the sentiments and join in the request contained in that letter.

Respectfully,  
Marc H. Rosenbaum  
Southampton, NY.

May 12, 2017

Rod J. Rosenstein, Esq.  
Deputy Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Dear Mr. Deputy Attorney General:

We, the undersigned, are former United States Attorneys and Assistant United States Attorneys for the Southern District of New York. In view of the recent

termination of James Comey as Director of the Federal Bureau of Investigation, we are writing to request that you appoint a special counsel to oversee the FBI's continuing investigation of Russian interference with the 2016 Presidential election and related matters. This letter is addressed to you rather than the Attorney General since he has recused himself from this matter.

As you know, Jim has had a long and distinguished career with the Department of Justice, beginning with his appointment as an Assistant United States Attorney in the Southern District of New York serving under United States Attorneys Rudolph Giuliani, Benito Romano and Otto Obermaier from 1987 through 1993. He returned to the Southern District of New York in 2002 when he was appointed the United States Attorney and served in that capacity until he was confirmed as Deputy Attorney General in 2003. Most of us came to know Jim when he worked in the Southern District of New York. Many of us know him personally. All of us respect him as a highly professional and ethical person who has devoted more than 20 years of his life to public service.

While we do not all necessarily agree with the manner in which he dealt with the conclusion of the Hillary Clinton email investigation, we sincerely believe that his abrupt and belated termination for this conduct, occurring months later and on the heels of his public testimony about his oversight of the investigation of Russian interference with the 2016 presidential election, has the appearance - if not the reality - of interfering with that investigation. Even if this investigation continues unabated, there is a substantial risk that the American people will not have confidence in its results, no matter who is appointed to succeed him, given that the Director of the FBI serves at the pleasure of the

President. We believe it is critical in the present political climate and clearly in the public's interest that this investigation be directed by a truly independent, non-partisan prosecutor who is independent of the Department of Justice, as is contemplated by 28 C.F.R. §600.1.

We are Republicans, Democrats and independents. Most importantly, we are proud alumni and alumnae of the Department of Justice. We do not suggest that you or any other members of the Department of Justice or a newly appointed Director of the FBI would not conduct yourselves properly, but the gravity of this investigation requires that even the appearance of political involvement in this investigation be avoided. As former prosecutors, we believe the only solution in the present circumstances would be to appoint a Special Counsel pursuant to 28 C.F.R. §600.1, and we urge you to take that course.

Respectfully submitted,

Jonathan S. Abernethy	Elkan Abramowitz	Richard F. Albert
Marcus A. Asner	Martin J. Auerbach	Miriam Baer
Thomas H. Baer	Kerri Martin Bartlett	Maria Barton
Andrew Bauer	Bernard W. Bell	Richard Ben-Veniste
Neil S. Binder	Laura Gossfield Birger	Ira H. Block
Suzanne Jaffe Bloom	Barry A. Bohrer	Daniel H. Bookin
Jane E. Booth	Katharine Bostick	Laurie E. Brecher
David M. Brodsky	Stacey Mortiz Brodsky	William Bronner
Jennifer K. Brown	Marshall A. Camp	Bennett Capers

Michael Q. Carey	Neil S. Cartusciello	Sarah Chapman
Robert J. Cleary	Brian D. Coad	Glenn C. Colton
William Craco	Nelson W. Cunningham	Constance Cushman
Frederick T. Davis	John M. Desmarais	Rhea Dignam
Gregory L. Diskant	Philip L. Douglas	Sean Eskovitz
Jesse T. Fardella	Meir Feder	Ira M. Feinberg
Michael S. Feldberg	Steven D. Feldman	Edward T. Ferguson
David Finn	Eric P. Fisher	Sharon E. Frase
Steven I. Froot	Maria T. Galeno	Catherine Gallo
Robert Garcia	Kay K. Gardiner	Ronald L. Garnett
Scott Gilbert	Barbara S. Gillers	Mark Godsey
Joshua A. Goldberg	James A. Goldston	Mark P. Goodman
George I. Gordon	Sheila Gowan	Stuart GraBois
Paul R. Grand	Helen Gredd	Bruce Green
Marc L. Greenwald	Jamie Gregg	James G. Greilsheimer
Jane Bloom Grise	Nicole Gueron	Barbara Guss
Steven M. Haber	Jonathan Halpern	David Hammer
Jeffrey Harris	Mark D. Harris	Roger J. Hawke
Steven P. Heineman	Mark R. Hellerer	William Hibsher
Jay Holtmeier	John R. Horan	Patricia M. Hynes
Linda Imes	Douglas Jensen	James Kainen
Eugene Kaplan	Steven M. Kaplan	William C. Komaroff
David Koenigsberg	Cynthia Kouril	Mary Ellen Kris
Stephen Kurzman	Nicole LaBarbera	Kerry Lawrence
	Jane A.	Annmarie

Sherry Leiwant	Levine	Levins
Raymond A. Levites	Donna H. Lieberman	Jon Liebman
Sarah E. Light	Jon Lindsey	Robin A. Linsenmayer
Edward J.M. Little	Mary Shannon Little	Walter Loughlin
Daniel Margolis	Walter Mack	Kathy S. Marks
Mark E. Matthews	Marvin S. Mayell	Sharon L. McCarthy
James J. McGuire	Joan McPhee	Christine Meding
Paul K. Milmed	Judith L. Mogul	David E. Montgomery
Lynn Neils	Peter Neiman	Rosemary Nidiry
Tai H. Park	Robert M. Pennoyer	Elliott R. Peters
Michael Pinnisi	Robert Plotz	Henry Putzel
T. Gorman Reilly	Emily Reisbaum	Peter Rient
Roland G. Riopelle	Michael A. Rogoff	Benito Romano
Amy Rothstein	Thomas C. Rubin	Daniel S. Ruzumna
Robert W. Sadowski	Elliot G. Sagor	Peter Salerno
Joseph F. Savage	John F. Savarese	Edward Scarvalone
Kenneth I. Schacter	Frederick Schaffer	Gideon A. Schor
Julian Schreibman	Wendy Schwartz	Linda Severin
David Siegal	Marjorie A. Silver	Paul H. Silverman
Charles Simon	Carolyn L. Simpson	David Sipiora
Dietrich L. Snell	Peter Sobol	Ira Lee Sorkin
David W. Spears	Katherine Stanton	Franklin H. Stone
Richard M. Strassberg	Howard S. Sussman	Erika Thomas
Richard Toder	Timothy J. Treanor	Paula Tuffin
Peter	David	

Vigeland	Wales	Max Wild
Samuel J.	Elaine	Paulette
Wilson	Wood	Wunsch
Thomas	Ellen	
Zaccaro	Zimiles	

cc: Jefferson B. Sessions III, Esq.  
Attorney General of the United States

Sent from my iPhone



**Chris Anders**

---

**From:** Chris Anders  
**Sent:** Friday, May 12, 2017 5:06 PM  
**To:** attorney.general@usdoj.gov; Rosenstein, Rod (USAMD); Terwilliger, Zachary (USAVAE); cody.hunt@usdoj.gov  
**Subject:** Do Not Replace Acting FBI Director Andrew McCabe as Head of the Investigation of Alleged Russian Interference in the U.S. Presidential Election and Alleged Collusion Between Russia and the Trump Campaign ...  
**Attachments:** 2017-05-12\_ACLU\_Letter\_Sessions\_Rosenstein\_Do\_Not\_Replace\_Acting\_FBI\_Dir....pdf

Good evening,

Please find attached and below a letter from the ACLU to the Attorney General and Deputy Attorney General, urging the administration to commit publicly that Acting Director of the Federal Bureau of Investigation Andrew McCabe will either continue to direct the FBI, or will otherwise retain all the powers of the director for the investigation of alleged interference by Russia and its agents in the 2016 U.S. presidential election and the alleged collusion between Russia and its agents and the Trump campaign—at least until the end of the investigation and any related prosecutions.

Please contact me with any questions.

Sincerely,  
Christopher Anders

Christopher E. Anders  
Deputy Director  
ACLU Washington Legislative Office  
915 15th Street NW  
Washington DC 20005  
202-675-2308 (direct)  
(b)(6) (cell)  
[www.aclu.org](http://www.aclu.org)



Because Freedom Can't Protect Itself



May 12, 2017

The Honorable Jeff Sessions  
Attorney General  
Department of Justice  
Robert F. Kennedy Building  
10th Street and Constitution Avenue, NW  
Washington, DC 20530

AMERICAN CIVIL  
LIBERTIES UNION  
WASHINGTON  
LEGISLATIVE OFFICE  
915 15th STREET, NW, 6<sup>TH</sup> FL  
WASHINGTON, DC 20005  
T/202.544.1681  
F/202.546.0738  
[WWW.ACLU.ORG](http://WWW.ACLU.ORG)

FAIZ SHAKIR  
DIRECTOR

NATIONAL OFFICE  
125 BROAD STREET, 18<sup>TH</sup> FL.  
NEW YORK, NY 10004 2400  
T/212.549.2500

OFFICERS AND DIRECTORS  
SUSAN N. HERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

ROBERT REMAR  
TREASURER

The Honorable Rod Rosenstein  
Deputy Attorney General  
Department of Justice  
Robert F. Kennedy Building  
10th Street and Constitution Avenue, NW  
Washington, DC 20530

RE: Do Not Replace Acting FBI Director Andrew McCabe as Head of the Investigation of Alleged Russian Interference in the U.S. Presidential Election and Alleged Collusion Between Russia and the Trump Campaign

Dear Attorney General Sessions and Deputy Attorney General Rosenstein:

The American Civil Liberties Union strongly urges you to commit publicly that Acting Director of the Federal Bureau of Investigation Andrew McCabe will either continue to direct the FBI, or will otherwise retain all the powers of the director for the investigation of alleged interference by Russia and its agents in the 2016 U.S. presidential election and the alleged collusion between Russia and its agents and the Trump campaign at least until the end of the investigation and any related prosecutions. If any other person is named as Interim Director or nominated as Director, you should require that person to recuse himself or herself from the investigation, and cede the director's authority to Mr. McCabe for the Russia/Trump investigation.

The disturbing acts this week in removing James Comey as FBI Director as the Russia/Trump FBI investigation was reportedly ramping up raise significant concerns about whether either of you, as Attorney General and Deputy Attorney General, or President Donald Trump can replace Mr. McCabe in his role as directing the investigation, without causing at least the appearance of interference with an investigation that now may include the President and both of you, particularly if expanded to include obstruction of justice. The only option to avoid further damage to the rule

of law is to leave Mr. McCabe in place, either as Interim Director or as director for purposes of the Russia/Trump investigation, until the investigation and any prosecutions are complete.

We are alarmed by reports that both of you, along with White House officials, are interviewing candidates to replace Mr. McCabe and fill the position of Interim FBI Director or be nominated for FBI Director, without providing any assurance that there will be no disruption of the ongoing Russia/Trump investigation. These reports describe interviews as taking place this week, and a replacement being named soon. Although retaining Mr. McCabe is mentioned as a possibility, numerous media outlets are reporting on a concerted effort to remove Mr. McCabe. The ACLU urges you to ensure that either Mr. McCabe continues to direct that FBI, or retains all of the director's authority to direct the Russia/Trump investigation, and any future director be recused from the Russia/Trump investigation. Without such assurances, even the interview process could have a chilling effect on the criminal investigation, particularly because some of the officials reportedly conducting interviews may now themselves be subject to at least being questioned in any full investigation.

The events of the past week are without precedent, except perhaps by comparison with the Saturday Night Massacre carried out by President Richard Nixon, in his interference with a criminal investigation related to his presidential campaign and presidency. While the description of the chronology of events that led to President Trump firing Mr. Comey seems to change with each statement by the President or White House officials, both of you had critical roles in meeting with the President on the fate of Mr. Comey and writing documents that, at least initially, were cited by the President as the basis for the termination of the FBI Director. In a direct statement by the President yesterday, he now claims that he was ready to fire Mr. Comey regardless of your recommendations, and admits that "the Russia thing" was on his mind as he decided to fire Mr. Comey. These statements, and the events leading up to the firing of Mr. Comey, raise serious questions related to obstruction of justice and would fit within the scope of a full criminal investigation related to the Russia/Trump campaign allegations.

The President should not replace Mr. McCabe as head of the investigation until the investigation and any prosecutions are over. The President's own description yesterday of a dinner he hosted at the White House for Mr. Comey which the President described as related to whether the President would allow Mr. Comey to continue in his job is that they discussed the criminal investigation, and specifically whether the President was being investigated, during what was essentially a job interview. This conversation, as reported by the President himself, was clearly inappropriate, if not also criminal. The President and his advisors cannot choose the person to lead the investigation of his campaign and presidency.

The ACLU is also concerned about either of you having any role in replacing Mr. McCabe in directing the FBI active investigation of this matter, including during any prosecution. As Attorney General, Mr. Sessions, you recused yourself from any role in

the Russia/Trump campaign investigation, yet were a critical advisor to the President in terminating the head of the very investigation from which you recused yourself. As Deputy Attorney General, Mr. Rosenstein, you met with the President on the termination of Mr. Comey and wrote the memorandum that was initially used as the pretext for terminating Mr. Comey. Neither of you should have any role in removing Mr. McCabe from his role in directing the criminal investigation. If anyone other than Mr. McCabe is selected to direct the FBI, that person should be required to recuse himself or herself from the investigation, and turn over to Mr. McCabe all powers of the director, for purposes of that investigation.

The events of the past week have caused tremendous damage to the rule of law, and shaken the confidence of millions of Americans in the most fundamental tenets of our democracy and in the protections afforded by our constitutional system of checks and balances and laws against political interference in criminal investigations. Removing Mr. McCabe from his role of directing the FBI and overseeing the criminal investigation related to the President's own campaign, or making any other changes to the leadership of the FBI that would affect the investigation, would rock the very foundation of our trust in our nation's adherence to the rule of law. We strongly urge you to leave Mr. McCabe and his leadership team in place on this criminal investigation, at least until the investigation and any prosecutions are complete.

Thank you for your attention to this matter, and we look forward to your response. Please let us know if you have any questions regarding this matter.

Sincerely,



Faiz Shakir  
National Political Director



Christopher Anders  
Deputy Director

**Rosenstein, Rod (USAMD)**

---

**From:** Rosenstein, Rod (USAMD)  
**Sent:** Friday, May 12, 2017 4:36 PM  
**To:** Murphy, Marcia (ODAG) (JMD); Crowell, James (ODAG) (JMD)  
**Subject:** Fwd: Final of Letter to DOJ  
**Attachments:** Final of Letter to DOJ.pdf; ATT00001.htm

Begin forwarded message:

**From:** SDNY AUSA (b)(6)  
**Date:** May 12, 2017 at 12:54:47 PM EDT  
**To:** [rod.rosenstein@usdoj.gov](mailto:rod.rosenstein@usdoj.gov)  
**Subject:** Fwd: Final of Letter to DOJ

May 12, 2017

Rod J. Rosenstein, Esq.  
Deputy Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Dear Mr. Deputy Attorney General:

We, the undersigned, are former United States Attorneys and Assistant United States Attorneys for the Southern District of New York. In view of the recent termination of James Comey as Director of the Federal Bureau of Investigation, we are writing to request that you appoint a special counsel to oversee the FBI's continuing investigation of Russian interference with the 2016 Presidential election and related matters. This letter is addressed to you rather than the Attorney General since he has recused himself from this matter.

As you know, Jim has had a long and distinguished career with the Department of Justice, beginning with his appointment as an Assistant United States Attorney in the Southern District of New York serving under United States Attorneys Rudolph Giuliani, Benito Romano and Otto Obermaier from 1987 through 1993. He returned to the Southern District of New York in 2002 when he was appointed the United States Attorney and served in that capacity until he was confirmed as Deputy Attorney General in 2003. Most of us came to know Jim when he worked in the Southern District of New York. Many of us know him personally. All of us respect him as a highly professional and ethical person who has devoted more than 20 years of his life to public service.

While we do not all necessarily agree with the manner in which he dealt with the conclusion of the Hillary Clinton email investigation, we sincerely believe that his abrupt and belated termination for this conduct, occurring months later and on the heels of his public testimony about his oversight of the investigation of Russian interference with the 2016 presidential election, has the appearance – if not the reality – of interfering with that investigation. Even if this investigation continues unabated, there is a substantial risk that the American people will not have confidence in its results, no matter who is appointed to succeed him, given that the Director of the FBI serves at the pleasure of the President. We believe it is critical in the present political climate and clearly in the public's interest that this investigation be directed by a truly independent, non-partisan prosecutor who is independent of the Department of Justice, as is contemplated by 28 C.F.R. §600.1.

We are Republicans, Democrats and independents. Most importantly, we are proud alumni and alumnae of the Department of Justice. We do not suggest that you or any other members of the Department of Justice or a newly appointed Director of the FBI would not

conduct yourselves properly, but the gravity of this investigation requires that even the appearance of political involvement in this investigation be avoided. As former prosecutors, we believe the only solution in the present circumstances would be to appoint a Special Counsel pursuant to 28 C.F.R. §600.1, and we urge you to take that course.

Respectfully submitted,

Jonathan S. Abernethy  
Marcus A. Asner  
Thomas H. Baer  
Andrew Bauer  
Neil S. Binder  
Suzanne Jaffe Bloom  
Jane E. Booth  
David M. Brodsky  
Jennifer K. Brown  
Michael Q. Carey  
Robert J. Cleary  
William Craco  
Frederick T. Davis  
Gregory L. Diskant  
Jesse T. Fardella  
Michael S. Feldberg  
David Finn  
Steven I. Froot  
Robert Garcia  
Scott Gilbert  
Joshua A. Goldberg  
George I. Gordon  
Paul R. Grand  
Marc L. Greenwald  
Jane Bloom Grise  
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Edward J.M. Little

Elkan Abramowitz  
Martin J. Auerbach  
Kerri Martin Bartlett  
Bernard W. Bell  
Laura Gossfield Birger  
Barry A. Bohrer  
Katharine Bostick  
Stacey Mortiz Brodsky  
Marshall A. Camp  
Neil S. Cartusciello  
Brian D. Coad  
Nelson W. Cunningham  
John M. Desmarais  
Philip L. Douglas  
Meir Feder  
Steven D. Feldman  
Eric P. Fisher  
Maria T. Galeno  
Kay K. Gardiner  
Barbara S. Gillers  
James A. Goldston  
Sheila Gowan  
Helen Gredd  
Jamie Gregg  
Nicole Gueron  
Jonathan Halpern  
Mark D. Harris  
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Jane A. Levine  
Donna H. Lieberman  
Jon Lindsey  
Mary Shannon Little

Richard F. Albert  
Miriam Baer  
Maria Barton  
Richard Ben-Veniste  
Ira H. Block  
Daniel H. Bookin  
Laurie E. Brecher  
William Bronner  
Bennett Capers  
Sarah Chapman  
Glenn C. Colton  
Constance Cushman  
Rhea Dignam  
Sean Eskovitz  
Ira M. Feinberg  
Edward T. Ferguson  
Sharon E. Frase  
Catherine Gallo  
Ronald L. Garnett  
Mark Godsey  
Mark P. Goodman  
Stuart GraBois  
Bruce Green  
James G. Greilsheimer  
Barbara Guss  
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Paul H. Silverman  
David Sipiora  
Ira Lee Sorkin  
Franklin H. Stone  
Erika Thomas  
Paula Tuffin  
Max Wild  
Paulette Wunsch

cc: Jefferson B. Sessions III, Esq.  
Attorney General of the United States



38324711B

May 11, 2017

Rod J. Rosenstein, Esq.  
Deputy Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

2017 MAY 15 AM 11:03  
RECEIVED  
DEPT OF JUSTICE  
EXECUTIVE SECRETARIAT

Dear Mr. Deputy Attorney General:

We, the undersigned, are former United States Attorneys and Assistant United States Attorneys for the Southern District of New York. In view of the recent termination of James Comey as Director of the Federal Bureau of Investigation, we are writing to request that you appoint a special counsel to oversee the FBI's continuing investigation of Russian interference with the 2016 Presidential election and related matters. This letter is addressed to you rather than the Attorney General since he has recused himself from this matter.

As you know, Jim has had a long and distinguished career with the Department of Justice, beginning with his appointment as an Assistant United States Attorney in the Southern District of New York serving under United States Attorneys Rudolph Giuliani, Benito Romano and Otto Obermaier from 1987 through 1993. He returned to the Southern District of New York in 2002 when he was appointed the United States Attorney and served in that capacity until he was confirmed as Deputy Attorney General in 2003. Most of us came to know Jim when he worked in the Southern District of New York. Many of us know him personally. All of us respect him as a highly professional and ethical person who has devoted more than 20 years of his life to public service.

While we do not all necessarily agree with the manner in which he dealt with the conclusion of the Hillary Clinton email investigation, we sincerely believe that his abrupt and belated termination for this conduct, occurring months later and on the heels of his public testimony about his oversight of the investigation of Russian interference with the 2016 presidential election, has the appearance – if not the reality – of interfering with that investigation. Even if this investigation continues unabated, there is a substantial risk that the American people will not have confidence in its results, no matter who is appointed to succeed him, given that the Director of the FBI serves at the pleasure of the President. We believe it is critical in the present political climate and clearly in the public's interest that this investigation be directed by a truly independent, non-partisan prosecutor who is independent of the Department of Justice, as is contemplated by 28 CFR Section 600.1.

We are Republicans, Democrats and independents. Most importantly, we are proud alumni and alumnae of the Department of Justice. We do not suggest that you or any other members of the Department of Justice or a newly appointed Director of the FBI would not

conduct yourselves properly, but the gravity of this investigation requires that even the appearance of political involvement in this investigation be avoided. As former prosecutors, we believe the only solution in the present circumstances would be to appoint a Special Counsel pursuant to 28 C.F.R. Part 600.1, and we urge you to take that course.

Respectfully submitted,

Jonathan S. Abernethy  
Thomas H. Baer  
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Paula Tuffin  
Max Wild  
Paulette Wunsch

Erika Thomas  
Peter Vigeland  
Samuel J. Wilson  
Ellen Zimiles

Richard Toder  
David Wales  
Elaine Wood

cc: Jefferson B. Sessions III, Esq.  
Attorney General of the United States

**Ramer, Sam (OLA)**

---

**From:** Ramer, Sam (OLA)  
**Sent:** Friday, May 12, 2017 12:01 PM  
**To:** Rosenstein, Rod (ODAG)  
**Cc:** Crowell, James (ODAG)  
**Subject:** FW: Letter to Mr. Rosenstein  
**Attachments:** CES Letter to Rosenstein 5.11.17 FINAL.pdf

Sir-

Have not been able to reach Schumer's staff yet, still trying. In the meantime, yesterday we received the attached letter from Schumer's staff.

Sam

# United States Senate

WASHINGTON, DC 20510-3203

May 11, 2017

The Honorable Rod Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Mr. Rosenstein,

Over the last three decades of your career at the Department of Justice, you have developed a reputation for integrity and impartiality. That reputation, along with the personal and public commitments you made to me and other Senators that you would be an independent, apolitical actor as Deputy Attorney General, earned you broad bipartisan support in your confirmation vote. And that reputation is now imperiled by your participation in the abrupt dismissal of FBI Director Comey.

Your memorandum to Attorney General Sessions described disagreement with Director Comey's conduct last summer and fall; it was used as the justification for his dismissal this week. However, there is widely reported skepticism that the reasons laid out in your memo are the real basis for the President's decision to fire Director Comey. This skepticism, and indeed all of the circumstances surrounding Director Comey's dismissal just as he was leading an investigation into the Trump administration's and Trump campaign's ties with Russia and President Putin's interference with the 2016 election, have shaken public confidence in the Department, in your leadership, and in the administration of law and justice in our country.

In order to restore the nation's faith in you personally and in our law enforcement system more broadly, the American people must understand more about your role in the President's firing of Director Comey. To that end, please answer the following questions by Monday, May 15<sup>th</sup>.

1. It was publicly reported that Director Comey last week asked you for additional resources for the investigation into the Trump campaign's connection to Russia. Are these reports accurate?
  - a. Did Director Comey recently provide you with a briefing on this investigation or any other politically sensitive investigation? Please describe the date and circumstances of any such update.
  - b. Did you convey any information provided by Director Comey to Attorney General Sessions or anyone in the Executive Office of the President? Please describe the date and circumstances of any such conveyance.

2. It was reported that the President decided over the weekend to fire Director Comey and summoned you and Attorney General Sessions to the White House to discuss the Director on Monday May 8<sup>th</sup>. Are these reports accurate?
  - a. Did you meet with the President on Monday, May 8<sup>th</sup>?
  - b. Were you aware what would be the topic of the meeting before you arrived?
  - c. Did you discuss the topic of the meeting with Attorney General Sessions or anyone in the Executive Office of the President before the meeting?
  - d. Who was present at the meeting?
  - e. Did the President or anyone else tell you the President had made a decision to fire Director Comey?
  - f. Did the President or anyone else ask for a justification to fire Director Comey?
  - g. Did the President or anyone else direct you to write your memo?
3. On Tuesday, May 9<sup>th</sup>, you sent a memorandum to the Attorney General entitled “Restoring Public Confidence in the FBI.” What were the circumstances that led to the drafting and transmittal of this memo?
  - a. Who participated in the drafting of the memo, including but not limited to its preparation before it was finalized?
  - b. Who provided guidance, in any form whatsoever, on the memo’s contents, style, timing or any other element?
  - c. Who was aware that the memo was being prepared?
  - d. Who reviewed the memo before it was finalized?
  - e. Were you aware when you drafted the memo that it would be used to justify the firing of Director Comey?
  - f. Why does the memo not explicitly call for the Director to be dismissed?
  - g. Was Attorney General Sessions or anyone in the Executive Office of the President involved, in any capacity whatsoever, in the planning, drafting, consideration, review, or transmittal of the memo?
4. Attorney General Sessions recused himself from any role in the investigation of Russia’s involvement in the 2016 elections and the Trump campaign because of his close relationship with the campaign and his own undisclosed contacts with Russian officials. Yet your memorandum is addressed to him and, according to public reporting, he participated in the decision to fire Director Comey. How do you reconcile Attorney

General Sessions's participation with his ethical obligations under the Department's recusal guidelines?

- a. Did you and Attorney General Sessions ever discuss whether it would be improper for him to be involved in the dismissal of the lead investigator of a politically sensitive investigation from which he was recused?
  - b. Did you or anyone else in the Justice Department ever advise Attorney General Sessions not to participate in these discussions or the dismissal?
  - c. Did you seek, or are you aware of anyone else at the Justice Department seeking, advice or counsel about whether it was appropriate for Attorney General Sessions to participate in these discussions or the dismissal?
5. After Director Comey was fired, the White House said that you had initiated the memorandum on your own and that you instigated the decision to remove him. Yet this morning, press reports indicate that you threatened to resign because "the narrative emerging from the White House on Tuesday evening cast [you] as a prime mover of the decision to fire Comey and that the president acted only on [your] recommendation." Are these reports accurate?
- a. Did you object, either to the White House, to Attorney General Sessions, or to anyone else, to the media characterizations of your role in the firing?
  - b. Did you take any steps to correct any inaccuracies in the public record?
  - c. Did you discuss the possibility that you might resign from the Department with anyone?

I look forward to your prompt response to my letter. In addition, I hope you will make yourself available to me and all of my colleagues to answer these and other additional questions that will arise.

Sincerely,



CHARLES E. SCHUMER  
Democratic Leader

**Rosenstein, Rod (ODAG)**

---

**From:** Rosenstein, Rod (ODAG)  
**Sent:** Thursday, May 11, 2017 8:57 PM  
**To:** Ramer, Sam (OLA)  
**Cc:** Crowell, James (ODAG)  
**Subject:** Re: Summary of SSCI worldwide threats hearing (open)

Thanks.

On May 11, 2017, at 8:54 PM, Ramer, Sam (OLA) <[sramer@jmd.usdoj.gov](mailto:sramer@jmd.usdoj.gov)> wrote:

Sir,

Attached is the summary of today's SSCI Worldwide Threats hearing.

Sam

<Summary of SSCI Hearing - 5.11.17.docx>



## Summary of Senate Select Committee on Intelligence Hearing – May 11, 2017

“Worldwide Threats” at Hart Senate Office Building, Room 216

### Witnesses:

Director Daniel R. Coats, Director of National Intelligence  
Director Michael Pompeo, Director of the Central Intelligence Agency  
Admiral Michael Rogers, Director of the National Security Agency  
Acting Director Andrew McCabe, Federal Bureau of Investigation  
Lieutenant General Vincent Stewart, Director of the Defense Intelligence Agency  
Director Robert Cardillo, Director of the National Geospatial-Intelligence Agency

### Testimony:

Chairman Burr began the hearing, discussed a number of the worldwide threats facing the United States and specifically thanked the Intelligence Community and its leadership, and provided an overview of challenges facing our national security interested. Ranking Member Warner’s statement was a discussion of the alleged Russian involvement in the 2016 Presidential election, the alleged Russian interference in the recent French national elections, and the concern for the integrity of the investigation based upon the recent termination of FBI Director Comey from his post. It should be noted that this discussion of the alleged Russian involvement in the 2016 election dominated most of the subsequent hearing and was the primary focus, with some exceptions, of questions from the Members to the panel.

Questions concerning the reauthorization of Section 702 of the FAA were also asked, specifically by Chairman Burr during his opening questions. The Chairman discussed the importance of reauthorization of the program, and Adm Rogers concurred. Sen. Cotton asked about the 702 as well, and in particular, the difficulty of determining a number of US persons that been incidentally collected under Section 702, especially without further infringing on Americans’ privacy. Sen. Wyden challenged Adm. Rogers to provide this number, and described the necessity of having this number for the upcoming debate on this topic.

In response to pointed questions by numerous Senators (Sen. Warner, Sen. Collins, Sen. King, among others) about the Russia investigation by the FBI, Acting Director McCabe declined to comment on any specific aspects of the investigation. However, Acting Director McCabe did note on a number of occasions that the FBI had adequate resources to conduct the investigation (in response to questions from Sen. Heinrich and Sen. Harris, as well as Sen. Lankford). Sen. Collins asked Acting Director McCabe if it was standard practice for the FBI to inform people that they were not targets of ongoing investigations, and Acting Director McCabe stated that he could not comment on any specific aspect of the Russia investigation, but that agreed that in general terms, this was not the FBI’s “standard practice.” In response to questions from Sen. Lankford, Acting Director McCabe noted that the investigation into Russian interference in the 2016 election was “moving forward,” and that the removal of former Director Comey would not affect the ongoing investigation.

Sen. Manchin asked Acting Director McCabe about morale at the FBI, and he responded that it had always been good. Lastly, in response to questions from Sen. Harris, Acting Director McCabe stated that he had not talked with the White House nor the Attorney General about the Russia investigation, but only spoke with DAG Rosenstein. He said that to the best of his recollection, he did not talk with anyone at the White House about the ongoing investigation. Acting Director McCabe would not discuss any support for a special prosecutor to investigate the matter, and deferred any answer on that question to the Department.

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, May 11, 2017 6:01 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** SPECIAL PROSECUTOR NOW

Mr. Rosenstein,  
Please stand up for FBI INTEGRITY and name a Special Counsel to investigate the Russian mess!!

(b)(6)  
**RE/MAX Premier**  
(b)(6)

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, May 11, 2017 8:26 AM  
**To:** rjrosenstein@usdoj.gov; Rosenstein, Rod (USAMD); rjr@usdoj.gov  
**Subject:** Please appoint an independent prosecutor to investigate Russia

You must have seen today's open letter to you in the New York Times editorial pages.

Please do not let your integrity be exploited by this administration.

Appoint a special counsel to investigate the Trump family's and campaign's and administration's ties to Russia.

Thank you,

(b)(6)  
Falmouth, MA

(b)(6)

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**From:** (b)(6)  
**Sent:** Thursday, May 11, 2017 4:25 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Comeys firing

Dear Rod Rosensten,

So what is this about: you "threatened to resign," but then didn't. You instead became complicit with Donald Trump in creating a banana republic. Why didn't you resign? What was the "if" in the "threat." Did you achieve what followed the "if you don't . . ."? Obviously not.

This stinks. You need to show some spine and some independence and to create a special counsel to investigate this rotten situation.

(b)(6)

## Kathryn Beard

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**From:** Kathryn Beard  
**Sent:** Wednesday, May 10, 2017 3:16 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Govt Accountability Groups Call on Deputy AG to Promptly Appoint an Independent Special Counsel to Handle Russia Investigation

May 10, 2017

Hon. Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Deputy Attorney General Rosenstein:

Our organizations are deeply concerned about the actions taken yesterday by President Donald Trump and Attorney General Jeff Sessions in firing FBI Director James Comey.

As you know, Mr. Comey was leading an FBI investigation into Russian involvement in the 2016 presidential election and any role that may have been played by the Trump campaign and by associates of President Trump. This is an investigation that could reach White House officials and potentially the President himself.

The investigation could also reach Attorney General Sessions who had previously recused himself from any involvement in the Russia investigation. As a leading participant in the Trump campaign, he is a potential subject of the investigation. His recusal has left you as the senior Justice Department official in charge of this investigation.

We call on you to promptly appoint an independent Special Counsel, as authorized by Justice Department regulations, to now oversee the Russia investigation that Director Comey was leading for the FBI when he was fired yesterday.

To put it simply, President Trump yesterday inappropriately fired the FBI Director who was leading an investigation into whether the Trump presidential campaign colluded with Russian agents to influence the results of the 2016 presidential election.

Attorney General Sessions inappropriately recommended firing the FBI Director who was leading the Russia investigation, and in doing so failed to comply with his public commitment to recuse himself from any role in this investigation. The fact that a different matter was cited as the basis for firing Director Comey is irrelevant to the reality that, as a practical matter, Sessions directly intervened in the Russia investigation in contravention of his recusal obligation.

Furthermore, you are also involved in this action, having written a memo to Attorney General Sessions that recommended the firing of Director Comey, barely two weeks after you assumed office as Deputy Attorney General. Your personal involvement in the firing of Director Comey undermines your ability to

Attorney General. Your personal involvement in the firing of Director Comey undermines your ability to continue to lead the Justice Department's Russia investigation.

Having fired Director Comey following a recommendation by Attorney General Sessions, President Trump is now in position to name a new FBI director who is then supposed to investigate the 2016 Trump presidential campaign and possibly President Trump himself.

The chain of events has left the Justice Department with no public credibility in conducting one of the most important investigations undertaken by the Justice Department since the historic Watergate investigation.

With the integrity and public credibility of the Justice Department clearly at stake now, it is incumbent upon you, and within your authority, to promptly appoint an independent Special Counsel to oversee the Russia investigation and to make all decisions about whether criminal prosecutions are warranted.

Justice Department regulations state that the Attorney General, "or in cases in which the Attorney General is recused, the Acting Attorney General":

will appoint a Special Counsel when he or she determines that a criminal investigation of a person or matter is warranted and—

(a) That investigation or prosecution of that person or matter by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department or other extraordinary circumstances; and

(b) That under the circumstances, it would be in the public interest to appoint an outside Special Counsel to assume responsibility for this matter.

28 C.F.R. § 600.1 (emphasis added).

The explanation of this regulation at the time it was promulgated in 1999 states that it is intended to provide for the appointment of a Special Counsel "when the Attorney General concludes that extraordinary circumstances exist such that the public interest would be served by removing a large degree of responsibility for the matter from the Department of Justice." 64 Fed. Reg. 37038 (July 9, 1999).

This standard is clearly met here.

In your memo recommending the firing of Director Comey, you state that the FBI was "unlikely to regain public and congressional trust until it has a director who understands the gravity of the mistakes."

Given your view of the need for "public and congressional trust" in the FBI, that same standard certainly holds true for the Justice Department. "Public and congressional trust" in the Justice Department cannot be restored unless and until you act to protect the integrity and credibility of the Department by promptly appointing an independent Special Counsel.

Under the "extraordinary circumstances" present here, the Justice Department regulation requires you to now appoint a Special Counsel. Given the provisions of the regulation, it would be wrong for you to control the Russia investigation after you and Attorney General Sessions have participated in the firing of Director Comey, particularly because the investigation itself may involve the Attorney General as well as Trump campaign operatives and White House officials, and potentially the President himself.

In the context of the regulation, it "would be in the public interest to appoint an outside Special

Counsel to assume responsibility for these matters. The language of the regulation states that an independent Special Counsel “will” be appointed in the circumstances involved here.

The regulation authorizes an independent Special Counsel to “exercise, within the scope of his or her jurisdiction, the full power and independent authority to exercise all investigative and prosecutorial functions of any United States Attorney.” *Id.* at § 600.6. As explained in the document promulgating the regulation:

The Special Counsel would be free to structure the investigation as he or she wishes and to exercise independent prosecutorial discretion to decide whether charges should be brought, within the context of established procedures of the Department.

64 Fed. Reg. 37038.

The integrity and credibility of the Justice Department are at stake here. In the wake of yesterday’s extraordinary firing of the FBI Director, you need to act immediately to restore public confidence in the Justice Department and in its investigation of Russian interference in the 2016 election by appointing an independent Special Counsel to lead that investigation.

Sincerely,

American Oversight  
Brennan Center for Justice  
Center for Media and Democracy  
Common Cause  
CREW  
Demand Progress  
Democracy 21  
Demos  
Every Voice  
Free Speech for People  
Kathleen Clark  
MAYDAY America  
Norman Eisen, chief White House ethics lawyer, 2009-2011  
Norman Ornstein  
People for the American Way  
Project On Government Oversight

Public Citizen

Richard Painter, chief White House ethics lawyer 2005-2007  
Represent.Us  
Revolving Door Project  
Sarah Chayes  
Sunlight Foundation  
The Agenda Project  
United to Protect Democracy



**Murphy, Marcia (ODAG)**

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**From:** Murphy, Marcia (ODAG)  
**Sent:** Wednesday, May 10, 2017 12:19 PM  
**To:** Rosenstein, Rod (USAMD)  
**Cc:** Crowell, James (ODAG) (JMD)  
**Subject:** FW: Meeting w/Rod Rosenstein

Set for 8 a.m. on Friday.

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**From:** (b)(6)  
**Sent:** Wednesday, May 10, 2017 12:16 PM  
**To:** Murphy, Marcia (ODAG) <mmurphy@jmd.usdoj.gov>  
**Subject:** RE: Meeting w/Rod Rosenstein

Hi, Marcia – can we do it at 8:00 a.m.?

Also, would it be possible to get a parking spot for Mr. Mueller inside the building?

Thanks,

(b)(6)

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**From:** Murphy, Marcia (ODAG) [<mailto:Marcia.Murphy2@usdoj.gov>]  
**Sent:** Wednesday, May 10, 2017 11:52 AM  
**To:** (b)(6)  
**Subject:** Meeting w/Rod Rosenstein

I'm writing to try to arrange a meeting between Mr. Rosenstein and Bob Mueller, hopefully for Friday morning – any time before 10 a.m.. Can you let me know if Mr. Mueller would have any time? Thanks so much!

Marcy Murphy  
Confidential Assistant to the  
Deputy Attorney General  
202-514-1904

(b)(6)

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**From:** (b)(6)  
**Sent:** Wednesday, May 10, 2017 10:47 AM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Appointing an Independent Counsel

Dear Mr. Rosenstein,

I am writing to you today as a concerned citizen. By all accounts, you are an upstanding, honest and forthright individual who seeks justice.

The firing of FBI Director James Comey, while the FBI is in the middle of investigating the Trump Administration, Trump Campaign and Trump Businesses and their ties to Russia, smells of a coverup.

Since Attorney General Sessions has had to recuse himself for lying during his Senate confirmation hearing about his conversations with the Russians, you are left in the unenviable position of deciding how things proceed.

I call upon you sir, to do the right thing and appoint an independent counsel to conduct an independent investigation. The Senate and House investigations are too partisan, and I feel confident that a new FBI director would quash the investigation.

Stand on the right side of history, and appoint a special counsel. Don't get Borked.

Sincerely,

(b)(6)

**Rosenstein, Rod (ODAG)**

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**From:** Rosenstein, Rod (ODAG)  
**Sent:** Wednesday, May 10, 2017 8:13 AM  
**To:** Murphy, Marcia (ODAG)  
**Subject:** Fwd: Contact Info

Please schedule a meeting through her for Bob Mueller to visit on Friday morning.

*\*Please delete my old .gov email address if it is in your contacts list.*

Begin forwarded message:

**From:** (b)(6)  
**Date:** May 10, 2017 at 8:09:11 AM EDT  
**To:** "rod.rosenstein5@usdoj.gov" <rod.rosenstein5@usdoj.gov>  
**Subject:** Contact Info

Hi, Mr. Rosenstein – my contact info is below.

(b)(6) | **WilmerHale**  
Executive Assistant  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA

(b)(6) (t)

(b)(6) (c)

+1 202 663 6363 (f)

(b)(6)

**Please consider the environment before printing this email.**

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This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately—by replying to this message or by sending an email to [postmaster@wilmerhale.com](mailto:postmaster@wilmerhale.com)—and destroy all copies of this message and any attachments. Thank you.

For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.

(b)(6)

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**From:** (b)(6)  
**Sent:** Tuesday, May 09, 2017 11:51 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Quick Request

Mr. Rosenstein,

Recommending that former Director Comey be fired for his mishandling of the Hillary Clinton email investigation was an important first step in restoring the public's trust in the FBI. Notwithstanding all the criticism being heaped upon you today, everything you wrote in your memorandum was exactly right.

You also still have a chance to save the reputation of the Justice Department, and, indeed, uphold this country's commitment to the rule of law, by exercising your independent authority as Acting Attorney General with respect to the Russia investigation, and appointing a "Special Counsel" per 28 C.F.R. § 600.1.

I don't doubt you have good people working on that probe, people you trust to do what is right. But this is something that should be held to a standard similar to judicial recusal: the *appearance* of impropriety is harmful in and of itself. People are already rightly howling about the role A.G. Sessions played in sacking the person leading the most important investigation of this century, from which he was supposed to be recused. And even though I believe your good intentions with respect to why Director Comey had to go, the President using that as his ostensible reason, now, at this juncture, despite his prior statements on the issue, also only adds to the cause for alarm.

This is your moment in history. I hope and trust that you will live up to it.

Yours very sincerely,

(b)(6)

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## Kathryn Beard

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**From:** Kathryn Beard  
**Sent:** Friday, May 12, 2017 3:17 PM  
**To:** Rosenstein, Rod (USAMD)  
**Subject:** Democracy 21 Files DOJ Complaint Against AG Sessions for Violating DOJ Recusal Regulation and AG's Own Recusal  
**Attachments:** Democracy 21 complaint to DOJ re AG's violation of recusal in Comey firing 5 12 17.pdf

May 12, 2017

Hon. Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Deputy Attorney General Rosenstein:

Democracy 21 is calling on you to ensure that Attorney General Sessions has no further involvement in the selection of an interim or permanent Director of the FBI.

This is required by the Attorney General's own recusal commitment and by the applicable Department of Justice recusal regulation, both of which require the Attorney General to recuse himself from any matter that involves the ongoing FBI investigation of alleged Russian interference in the 2016 election and possible collusion by the Trump campaign with that interference.

In a letter sent on May 10, 2017, Democracy 21 joined with 23 other organizations and individuals with government accountability expertise to call on you to promptly appoint an independent Special Counsel, as authorized by Justice Department regulations, to oversee the Russia investigation for the Justice Department. That letter stated:

The integrity and credibility of the Justice Department are at stake here. In the wake of yesterday's extraordinary firing of the FBI Director, you need to act immediately to restore public confidence in the Justice Department and in its investigation of Russian interference in the 2016 election by appointing an independent Special Counsel to lead that investigation.

Until a Special Counsel is named to head the Russia investigation, however, you remain the senior Justice Department official overseeing this investigation and the official at the Department responsible for seeking a new interim or permanent head of the FBI. This is because the selection of an interim or permanent FBI Director falls squarely within the scope of the Attorney General's recusal commitment and the Justice Department's recusal regulation.

We are enclosing a complaint against Attorney General Sessions that we filed today with the Department's Office of Professional Responsibility, stating our view that the Attorney General's direct

involvement in the firing of FBI Director James Comey violated the Attorney General's commitment to recuse himself "from any matters arising from the campaigns for President of the United States."<sup>[1]</sup>

The Attorney General's involvement in the firing of Director Comey also violated the Department's recusal regulation for the reasons set forth in the enclosed complaint.

The recusal regulation requires that any Justice Department employee "shall not participate" in a criminal investigation if he has a "political relationship" with any person or organization "substantially involved" in the conduct under investigation, or if he or any person or organization he knows "has a specific or substantial interest" that would be "directly affected" by the outcome of the investigation. 28 C.F.R. §45.2(a).

These prohibitions apply to the Attorney General with regard to the Russia investigation, in light of the Attorney General's close ties to the Trump presidential campaign, his role as a leading surrogate for the campaign, and the possibility of his being a subject of the investigation, given his own contacts with the Russian ambassador during the presidential campaign.

For these same reasons and because of his recusal commitment, Attorney General Sessions should not play any role at all in the selection of a new interim or permanent FBI Director, who will be charged with leading the Russia investigation.

The selection of a new interim or permanent FBI Director who will assume leadership of the Russia investigation unquestionably is a matter that relates to the Russia investigation and therefore is covered by the same recusal obligations that apply to the conduct of the Russia investigation.

As the senior Department official in charge of the Russia investigation, your actions in the coming days with regard to the conduct of that investigation, the appointment of an independent Special Counsel and the selection of a new FBI Director will play a crucial role in restoring public faith in the Justice Department.

We urge you to appoint a Special Counsel to oversee the Russia investigation and to take the steps necessary to ensure that Attorney General Sessions, consistent with his recusal commitment and with the applicable Department recusal requirement, does not play any role in selecting a new interim or permanent Director of the FBI.

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer  
President

Enclosure

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<sup>[1]</sup> Department of Justice Office of Public Affairs, "Attorney General Statement on Recusal" (March 2, 2017).

May 12, 2017

Robin C. Ashton  
Counsel  
Office of Professional Responsibility  
U.S. Department of Justice  
Suite 3529  
950 Pennsylvania Ave. NW  
Washington, DC 20530

Dear Ms. Ashton:

Democracy 21 is writing to file a third complaint against Attorney General Jeff Sessions for violating both his public commitment to recuse himself “from any matters arising from the campaigns for President of the United States,” and for violating a Department of Justice (DOJ) regulation that requires his recusal from any participation in the ongoing investigation into alleged Russian interference in the 2016 presidential election.

The complaint arises from the Attorney General’s direct participation in the firing of FBI Director James Comey on May 9, 2017, in violation of his recusal commitment and the Justice Department recusal regulation.

Our first two complaints, filed with your office on February 27, 2017 and March 2, 2017, stated that Attorney General Sessions had violated the applicable DOJ recusal regulation by failing to recuse himself from the Russia investigation.

On March 2, 2017, the Attorney General issued a statement through the DOJ Office of Public Affairs and said that he would recuse himself “from any matters arising from the campaigns for President of the United States.”<sup>1</sup> Based on the Attorney General’s recusal, Deputy Attorney General Rod Rosenstein is now responsible for overseeing the Russia investigation.

Until his abrupt termination on May 9, Director Comey was leading an ongoing FBI investigation into the alleged Russian interference in the 2016 presidential election, including the question of whether there was any collusion between Russian actors and the Trump presidential campaign and Trump associates.

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<sup>1</sup> Department of Justice Office of Public Affairs, “Attorney General Statement on Recusal” (March 2, 2017).

The recommendation that Attorney General Sessions made to President Trump to fire FBI Director Comey related to a matter “arising from the campaigns for President of the United States,” because it involved firing the person leading the FBI investigation into alleged interference in the 2016 presidential campaigns. The Attorney General’s participation in the firing of Director Comey therefore was squarely within the scope of his recusal commitment and violated that commitment.

The Attorney General’s recommendation to fire Director Comey also violated the applicable DOJ recusal regulation in light of the Attorney General’s personal involvement in the Trump presidential campaign and the fact that he is a potential subject of the Russia investigation.

Furthermore the Attorney General’s reported current participation in the naming of an interim FBI Director who will take charge of the Russia investigation violates both his recusal commitment and the DOJ recusal regulation. The Attorney General is similarly prohibited from any participation in selecting a new permanent Director for the FBI.

We call on the Office of Professional Responsibility (OPR) to investigate these matters, make public findings and take all appropriate steps to hold Attorney General Sessions accountable for his violations of the Department’s recusal regulation, and for his failure to comply with the recusal commitments he has made.

We also call on OPR to take all necessary steps to ensure that Attorney General Sessions complies with his personal recusal commitment and with the DOJ recusal regulation by not participating in the Russia investigation in any way.

Most immediately, we call on OPR to take all necessary steps to ensure that the Attorney General withdraws from any participation in the selection of an interim or permanent Director of the FBI.

i.

In a letter addressed to President Trump dated May 9, 2017, Attorney General Sessions recommended that FBI Director James Comey be removed from office, an action the President took later that day. As grounds for his recommendation, the Attorney General cited a memorandum of the same date written by Deputy Attorney General Rod Rosenstein, that criticized several aspects of Director Comey’s “handling of the conclusion of the investigation of Secretary Clinton’s emails. . . ,” and said that “[a]lmost everyone agrees that the Director made serious mistakes. . . ” with regard to that investigation.

The President, in his letter of dismissal to Director Comey, referred to the letter from the Attorney General and the memorandum from the Deputy Attorney General and said, “I have



accepted their recommendations and you are hereby terminated and removed from office, effective immediately.”

ii.

The Attorney General’s direct participation in the firing of Director Comey violated his commitment to recuse himself “from any matters arising from the campaigns for President of the United States.”

The Attorney General recommended the firing of Director Comey at a time when the Director was leading a major FBI investigation into alleged Russian interference in the 2016 presidential campaign.

The Russia investigation and Director Comey’s leadership of this investigation is a “matter[] arising from the campaigns for President of the United States.” Attorney General Sessions committed to recusing himself from any such matter and by his direct involvement in the firing of Director Comey, the Attorney General violated his stated recusal obligation.

It might be claimed that the Attorney General’s recommendation to fire Director Comey was grounded on the Clinton email investigation, not on the Russia investigation, and therefore was not a “matter arising from the campaigns for President of the United States.”

Even if this claim were correct, it is irrelevant to the fact that he participated in firing the person leading the Russia investigation, in contravention of his commitment not to participate in matters “arising from” the 2016 presidential campaigns.

But the claim in any event is incorrect, for three reasons. First, in his letter terminating Director Comey, the President noted that he was firing Director Comey based on the Attorney General’s recommendation, and the President then referenced three alleged prior statements by Director Comey “that I am not under investigation. . . .” Thus, the President himself made the connection between the Attorney General’s recommendation and the status of the Russian investigation. (The President has subsequently made clear that his firing of Director Comey was directly related to the Russia investigation.)

Second, even apart from the Russia investigation, the Clinton email investigation was itself a matter directly intertwined with and arising from Secretary Clinton’s presidential campaign. It was thus within the scope of the Attorney General’s commitment to recuse himself from “any matters arising from the campaigns for President of the United States.”

Finally, Attorney General Sessions had made an earlier and separate commitment to the Senate Judiciary Committee to recuse himself from “any Clinton issues.” According to a published report, the Attorney General at his Senate confirmation hearing said he would recuse himself, *inter alia*, from “any investigations into Hillary Clinton’s emails”:

Judiciary Committee Chairman Chuck Grassley asked Sessions if he could be impartial in any investigations into Hillary Clinton’s emails or foundation, given

his role in Donald Trump’s campaign. Sessions said no, and that he would recuse himself if any Clinton issues were to arise with him as attorney general. “I do believe that that could place my objectivity in question,” he said of statements he made during the campaign. “I believe the proper thing for me to do would be to recuse myself.”<sup>2</sup>

Thus, even if the Attorney General’s actions relating to the firing of Director Comey were to be viewed as based solely on the Deputy Attorney General’s comments about the email investigation, and not on the Russia investigation, Attorney General Sessions still violated his own public commitment to recuse himself from such matters.

iii.

The Attorney General’s direct participation in the firing of Director Comey violated his recusal obligation as required by a Department of Justice regulation.

The DOJ recusal regulation, 28 C.F.R. §45.2(a), applies to all employees of the Justice Department and provides:

(a) .... no employee shall participate in a criminal investigation or prosecution if he has a personal or political relationship with:

(1) Any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or

(2) Any person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.

Attorney General Sessions is himself a potential subject of the Russia investigation. In our March 2 complaint, we noted then-newly published reports that Attorney General Sessions had met twice with the Russian Ambassador during the presidential campaign. We further stated:

Sessions’ meeting with the Russian Ambassador means that Sessions himself is a potential subject of the FBI investigation currently taking place. These are new and additional grounds that require Sessions to immediately recuse himself from any involvement in any investigation and actions dealing with the involvement of Russians in the 2016 presidential campaign.

The fact that the Attorney General is himself a potential subject of the Russia investigation gives him a direct and personal stake in the conduct of the investigation. As a potential subject of the investigation being conducted by the FBI, he has “a specific and substantial interest that would be directly affected by the outcome of the investigation or

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<sup>2</sup> “Jeff Sessions Says He Would Recuse Himself from Any Investigations into Hillary Clinton,” *TIME* (Jan. 10, 2017).

prosecution,” 28 C.F.R. § 45.2(a)(2), and accordingly “shall not participate” in the investigation. *Id.*

Furthermore, and as explained at length in our February 27 complaint, Attorney General Sessions was a principal campaign surrogate for the Trump presidential campaign and a key member of the Trump transition effort. During the campaign, he participated in multiple campaign rallies and events, and made numerous press appearances on behalf of the candidate. During the transition, he was “a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions.”<sup>3</sup>

Accordingly, Attorney General Sessions plainly has a “political relationship” with individuals in the Trump campaign who are “involved in the conduct that is the subject of the investigation. . . .” 28 C.F.R. § 45.2(a)(1).<sup>4</sup> Based on that, under the Justice Department regulation, the Attorney General “shall not participate” in the investigation of whether the Trump campaign colluded with Russian actors to influence the 2016 election. *Id.*

The Attorney General’s active role in the firing of Director Comey constitutes prohibited “participat[ion]” in the Russia investigation, under the DOJ recusal regulation.

A recommendation to the President that he terminate the FBI Director leading the Russia investigation constitutes an improper effort to “participate” in the investigation. Indeed, to recommend terminating the person in charge of conducting an investigation, for whatever reason, is the most direct and blatant possible form of intervening or “participat[ing]” in an investigation, and the one that could most easily disrupt or impede the investigation.

In short, firing the lead investigator is the most extreme form of interfering with an investigation. It would be contrary to common sense to conclude that a person with a disqualifying conflict of interest would be recused from “participating” in an investigation in which he has the conflict, but nonetheless could play an active role in the firing of the person in charge of the investigation.

Accordingly, the Attorney General’s direct involvement in the firing of Director Comey violated the Department’s recusal regulation that requires the Attorney General to recuse himself from participating in the Russia investigation because he has a personal interest as a potential subject, and because he has a “political relationship” with individuals who also have a substantial interest in the investigation.

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<sup>3</sup> Philip Rucker and Robert Costa, “Trump’s hard-line actions have an intellectual godfather: Jeff Sessions,” *The Washington Post*, January 30, 2017. [https://www.washingtonpost.com/politics/trumps-hard-line-actions-have-an-intellectual-godfather-jeff-sessions/2017/01/30/ac393f66-e4d4-11e6-ba11-63c4b4fb5a63\\_story.html?utm\\_term=.c2677f874965](https://www.washingtonpost.com/politics/trumps-hard-line-actions-have-an-intellectual-godfather-jeff-sessions/2017/01/30/ac393f66-e4d4-11e6-ba11-63c4b4fb5a63_story.html?utm_term=.c2677f874965).

<sup>4</sup> 28 CFR §45.2(c)(1) defines “political relationship” to mean “a close identification with an elected official, a candidate (whether or not successful) for elective, public office, a political party, or a campaign organization, arising from service as a principal adviser thereto or a principal official thereof.”

## iv.

According to a published report, “Attorney General Jeff Sessions and Deputy Attorney General Rod Rosenstein are interviewing four potential interim FBI directors Wednesday, according to a Justice Department official.”<sup>5</sup> The article further noted that “Sessions and Rosenstein are looking for someone with significant law enforcement experience.”

For the same reasons that it violated the Attorney General’s recusal obligations for him to participate in the firing of the FBI Director leading the Russia investigation, it also violates his recusal obligations for him to participate in the hiring of an FBI Director to lead the Russia investigation, on either an interim or permanent basis.

This is simply the other side of the same coin. Selecting the person to lead an investigation, like firing that person, is an extreme form of “participating” in the investigation, and it presents an obvious risk of exerting improper influence on the conduct of the investigation.

The Attorney General is prohibited by the Justice Department regulation and by his own recusal commitment from playing any role in choosing the person who will lead the FBI Russia investigation, in which he is a potential subject and in which he has a “political relationship,” within the scope of the DOJ recusal regulation, with individuals who are or may be the subject of the investigation.

## v.

We reiterate our previous requests that you give your immediate attention to this critically important matter and that you make public findings and take all appropriate steps to hold Attorney General Sessions accountable for his violations of the Department’s recusal regulation, and for his failure to comply with the recusal commitments he has made.

We also request that you take all necessary steps to ensure that Attorney General Sessions takes no further action to participate in the Russia investigation and does not participate in any way in the selection of an interim or permanent new FBI Director.

As we stated in our March 2 letter, the integrity and public credibility of the Justice Department is at stake.

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer  
President

---

<sup>5</sup> L. Jarrett, “Sessions, Rosenstein interviewing potential interim FBI directors Wednesday,” *CNN* (May 10, 2017).

**Murphy, Marcia (ODAG)**

---

**From:** Murphy, Marcia (ODAG)  
**Sent:** Tuesday, May 09, 2017 10:04 PM  
**To:** Rosenstein, Rod (ODAG); Crowell, James (ODAG)  
**Subject:** Fwd: Rosenstein

FYI...Bonnie is not returning the call.

Begin forwarded message:

**From:** "Greenberg, Bonnie (USANAC)" <[Bonnie.Greenberg@usdoj.gov](mailto:Bonnie.Greenberg@usdoj.gov)>  
**Date:** May 9, 2017 at 8:38:50 PM EDT  
**To:** "Murphy, Marcia (ODAG)" <[mmurphy@jmd.usdoj.gov](mailto:mmurphy@jmd.usdoj.gov)>  
**Subject:** **Fwd: Rosenstein**

Sent from my iPhone

Begin forwarded message:

**From:** <[Julia.Harte@thomsonreuters.com](mailto:Julia.Harte@thomsonreuters.com)>  
**Date:** May 9, 2017 at 6:47:20 PM EDT  
**To:** <[Bonnie.Greenberg@usdoj.gov](mailto:Bonnie.Greenberg@usdoj.gov)>  
**Subject:** **Rosenstein**

Dear Bonnie, I'm working with my colleague Joel Schectman on a story about Deputy Attorney General Rod Rosenstein's first big moment in the limelight since assuming his new office: recommending the dismissal of FBI Director Comey today. I understand you worked with Rod closely during his career in the U.S. Attorney's Office.

Any chance you could give me a call as soon as you get this to chat briefly about how the memo he wrote today (pp. 4-6 of this in case you haven't seen it yet: <https://assets.documentcloud.org/documents/3711113/Comey-White-House-DOJ-DAG.pdf>) reflects his approach to the law? The best number is my cell: 202-590-7402.

Many thanks!  
Julia

--  
Julia Harte  
National Affairs Correspondent  
Thomson Reuters  
1333 H St NW, Sixth Floor  
Washington, DC 20005

washington, DC 20005

Office: 202-898-8312

Mobile: (b)(6)

**Joel.Schectman@thomsonreuters.com**

---

**From:** Joel.Schectman@thomsonreuters.com  
**Sent:** Tuesday, May 9, 2017 8:56 PM  
**To:** Rosenstein, Rod (ODAG)  
**Subject:** RE: letter

Will do - thanks Rod.

I'm getting pulled into some of this stuff. Let me know if you want to discuss. (b)(6)

Best,  
Joel

-----Original Message-----

**From:** Rosenstein, Rod (USAMD) [mailto:Rod.Rosenstein@usdoj.gov]  
**Sent:** Tuesday, May 09, 2017 6:18 PM  
**To:** Schectman, Joel (Reuters News)  
**Subject:** Re: letter

Check with OPA.

\*Please delete Rod.Rosenstein@usdoj.gov<mailto:Rod.Rosenstein@usdoj.gov> from your contacts and use my new DOJ email address instead: Rod.Rosenstein5@usdoj.gov<mailto:Rod.Rosenstein5@usdoj.gov>.

On May 9, 2017, at 5:59 PM, "Joel.Schectman@thomsonreuters.com<mailto:Joel.Schectman@thomsonreuters.com>" <Joel.Schectman@thomsonreuters.com<mailto:Joel.Schectman@thomsonreuters.com>> wrote:

Hi Rod,

Would you be able to send me a copy of that letter from you on comey?

Best,  
Joel

Joel Schectman  
White Collar Crime Reporter  
Reuters  
+1 202-310-5468  
Follow me @joel\_schectman

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EXECUTIVE SECRETARIAT

2017 MAY 19 PM 3 55



May 18, 2017

The Honorable Robert S. Mueller III  
Special Counsel for the U.S. Department of Justice  
c/o The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

**RE: Uninvestigated Russian Link from 2016 and Related Matters**  
**VIA FAX TRANSMISSION 18 PAGES TOTAL**

Dear Mr. Mueller:

We are the Consejo de Latinos Unidos (CDLU), a national advocacy group and public charity. Since last year, we have been investigating the case of **Burt Newsome**, a small-town attorney in Alabama who was allegedly wrongly targeted, falsely arrested, and defamed. Newsome's success in the banking sector caught the eye of a partner at **Balch & Bingham**, a silk-stocking law firm headquartered in Birmingham with offices in Washington D.C., who also had banking clients and was seeking more client work.

#### **Presidential Campaign and Changing Russian Sanctions**

In February of this year, while investigating the Newsome matter, we stumbled on the fact that Balch represented a Huntsville-based aerospace company and had **successfully changed Russian sanctions** while lobbying for this company on Capitol Hill. **Black Hall Aerospace** (also known as **AAL USA, Inc.** and affiliated with the AAL Group, Ltd.) made parts for Russian helicopters and is owned by **Oleg Sirbu**, a Soviet-born immigrant from Moldova. According to documents on the website [aviationintelligence.org](http://aviationintelligence.org), non-disclosure and non-compete agreements signed by Black Hall Aerospace/AAL USA, Inc. corporate executives were to be provided in English and Russian, and mediation for disputes would take place in the United Arab Emirates (UAE) in either English or Russian, not Arabic. (ATTACHED)

Frankly speaking, Balch is heavily tied to **U.S. Attorney General Jeff Sessions** in that Balch was his number two lifetime donor (over \$140,000) when he was a U.S. Senator, according to the Center for Responsive Politics. In addition, Balch has provided advisors to the Trump campaign, transition, and administration.

When then-U.S. Senator Sessions was to endorse **Donald J. Trump for President** on February 28, 2016, according to media reports the rally "had originally been scheduled to be held at Black Hall Aerospace off Wall Triana Highway, however after meeting with city and public safety officials, campaign organizers decided to move the venue." (ATTACHED)

Unbelievable! The President almost had one of his earliest and biggest endorsements at a Russian-linked aerospace company run by a Soviet-born immigrant, making Russian helicopter parts, and that uses the Russian language for business transactions. Who made this scheduling decision in 2016? Who were they trying to please and for what political purpose?

P.O. Box 381984 • Birmingham, AL • 35238-1984  
Telephone: 205.516.1762 • Toll Free: 800.474.7576

[www.cdлу.org](http://www.cdлу.org)



Page 2

May 18, 2017

Letter to The Honorable Robert S. Mueller III

### **Balch and the Orwellian Memory Hole**

On or about March 2, 2017, after we had exposed them in our public education campaign, Balch **scrubbed their website** of all references to their successful lobbying in D.C. of changing Russian sanctions for Black Hall Aerospace. The website scrub not only created a cover-up, it magnified to what lengths Balch would go to **sugar-coat the past**. In addition, their top lobbyist in Washington **changed his resume**, removing all references to his success in changing Russian sanctions. You can see the website scrubs and resume changes at our dedicated website **BanBalch.com**.

### **Sealing the Depositions**

Now, this month, Balch has been complaining in Alabama court about our advocacy group and attempting to seal depositions of Balch partners in the Newsome case. Mind you, we are not a party in the suit but **Balch has become unglued** because we exposed their ties to the Russian-linked aerospace company. In an objection to the sealing of the depositions, Newsome's legal team vividly point out that Balch is using the court system in reaction to CDLU's work exposing the changes to Russian sanctions and website scrub that is unrelated in any way to the Newsome case. (ATTACHED) **What in the world is Balch hiding?**

### **Enormous Revenue Growth Raises Questions**

The revenue growth at the Russian-linked aerospace company has been enormous and **raises serious concerns and questions**. According to an online publication, the Russian-linked company, AAL USA, Inc. and/or Black Hall Aerospace, Inc., went from generating \$6.5 million in 2014 with 15 employees, to over an estimated \$100 million in 2016 with 450 employees. (ATTACHED) Likewise, according to a court filing on aviationintelligence.org, AAL USA Inc. had less than \$1 million in revenue with fewer than 20 employees in 2014 but grew to over 400 employees and \$50 million in revenue by 2016. (ATTACHED)

According to aviationintelligence.org, the aerospace company is currently involved in heavy litigation both in Madison County (Huntsville) and Jefferson (Birmingham) County, Alabama. The U.S. management team is accused "through fraud and breaches of their fiduciary duties, and with a stunning greed and brazenness, are in the process of destroying all that has been built. [Defendants] using various corporate entities, have begun implementing a fraudulent scheme to steal millions of dollars from AAL USA, to usurp corporate opportunities that are too complex and valuable to be calculated, and to destroy the goodwill and reputation of AAL USA." (ATTACHED)

Something smells awful in this whole affair and we hope that you, Mr. Mueller, will take a deep and closer look.

### **Related Matters of Interest**

Since you are charged with matters that may arise from this investigation, we offer two possible matters for your review. Our perspective is that the U.S. Department of Justice is overly influenced by Balch and U.S. Attorney General Sessions' operatives from or associated with Alabama.

Full disclosure: we are calling on the U.S. Senate Committee on the Judiciary to block the eventual nomination of Acting Assistant U.S. Attorney General of the Environment and Natural Resources Division Jeffrey H. Wood. Before joining the Trump Administration, Wood was a partner at the law firm Balch &

Page 3

May 18, 2017

Letter to The Honorable Robert S. Mueller III

Bingham, working for their Energy and Environmental and Natural Resources practices out of their Washington, D.C. offices

### **Civil Rights and the Suppression of African-Americans**

In an explosive investigative article posted last week, al.com (Alabama Media Group) reported how Balch & Bingham dumped \$134,000 into a foundation run by an alleged dishonest politician, Oliver Robinson, currently under federal investigation, who in turn allegedly disenfranchised African-Americans from testing their toxic and contaminated property under EPA rules in 2015 and 2016.

We want to know: were the civil rights of these African-Americans infringed? Were the orchestrated actions against these property owners a conspiracy to violate federal laws and circumvent federal regulations and procedures? Did these abhorrent actions make African-Americans feel helpless and impact their will to vote in the election of 2016?

### **Newsome and his Civil Rights**

Finally, we turn to the horrific story on how we got involved: the **railroading of Burt Newsome**. This is more than a law firm versus another law firm. This is something from 1961: an alleged conspiracy of the powerful and well-connected appearing to violate the livelihood of a hard-working person. The story reads like from a John Grisham novel. Since we cannot trust or confide in the current U.S. Department of Justice, we would like someone to look at this matter and see if Mr. Newsome's Civil Rights were indeed violated or not.

In closing, we want to thank you for serving our country during this time of need. As Deputy Attorney General Rosenstein said, "What I have determined is that based upon the unique circumstances the public interest requires me to place this investigation under the authority of a person who exercises a degree of independence from the normal chain of command."

You and your staff can read more about the allegations against Balch & Bingham and download background documents at our dedicated website **BanBalch.com**.

Your consideration is greatly appreciated.



K.B. Forbes  
Executive Director  
kb@cdu.org

DOCUMENTS

CONFIDENTIAL / PROPRIETARY

Non-Disclosure and Non-Compete Agreement

Place: Huntsville, AL

Date: 25.2.2013

I, the undersigned, Paul J Daigle citizen of USA  
passport No. (b)(6) issued by USA  
(b)(6) (date), registered at the address: (b)(6)

acknowledge and warrant the following:

I am an Employee of AAL-USA (further "Company") registered in Alabama.

Whereas I have access in virtue of my position directly or indirectly to all and any confidential information, techniques and secrets related and owned by the Company, dealing with information and techniques (legal, commercial, marketing, financial, technical, professional and related to human-resources) pertaining to the company, partners or customers, or suppliers or employees or clientele of the affiliates companies, which are not intended to be publicized or disclosed, or which are classified as personal or confidential by the Company (further "Confidential Information").

Whereas the information, techniques and secrets, include but are not limited to information concerning legal matters, property, contracts, guarantees, trademarks, industrial designs, inventions, computer programs, drawings, business relations (information on Company's clients and suppliers) and other information, relating to the confidential information about the Company's employees, or any other personal information regarding the latter and any administrative, regulatory or financial information of any kind whatsoever, and any technical information related to the means of manufacturing, marketing, trade, advertising and media or any other confidential information owned by the Company or any of its affiliates (also included in "Confidential Information").

Therefore, I hereby irrevocably warrant and confirm directly to the Company, to its affiliates and partners, that during my working period and after the completion of the working period at the Company or any of its affiliates, the following:

1 - not to disclose to any person or company, any secret or confidential information, irrespective of its significance, that I have accessed during the working period in the Company or in its affiliate companies

I also undertake not to disclose, transfer, print, photograph, deliver, sell, lease, or publish by any means whatsoever, any Confidential information, documents, official papers whether softcopy or hardcopy, as the hereinabove Confidential information and secrets are crucial and owned by the Company and its affiliates. I undertake and warrant not to disclose or otherwise transfer such information, secrets and documents for reasons of the potential losses and damages ((in) direct losses, loss of revenue, profit, loss of goodwill, moral damage) to the Company and its affiliates and partners.

2 - I also undertake within two years after the working period completion in the Company for any reason whatsoever, unless prior written approval is given by the Company, to:

A - not to seek employment, not to accept employment job offers, not to cooperate howsoever with the organizations and representatives of such organizations, which are considered the Company's or its affiliates' competitors, namely:

*ESD*

DOCUMENT 88

## CONFIDENTIAL / PROPRIETARY


**B – not to carry out any competitive acts to the Company and/or to any sister/affiliate entities**, whether to my personal account (benefit) or to any third party (company) benefit.

**C – Not to convert the clientele and suppliers (distributors, etc.) of the Company and/or sister/affiliate companies by any means whatsoever in order to gain direct or indirect benefits, commissions or personal discounts and rebates, whether for or without remuneration. Hence, I will not reach in contact with clientele, suppliers (distributors, etc.) of Company and its subsidiaries/affiliates without prior written consent of the Company's management.** It is to be noted that this undertaking will not be limited by the two years period mentioned above and is effective for Five (5) years or the maximum allowed period by law.

**D – do not start/participate in company and/or other forms of businesses** (including, being a founder, possess corporate rights, exercise control, being employee or director, holding managerial or any other position), which directly or indirectly compete with business of Company and/or its subsidiaries/affiliates. It is to be noted that this undertaking will not be limited by the two years period mentioned above and is effective for Five (5) years or the maximum allowed period by law.

**3 – In case of violation of any of the hereinabove undertakings and warranties, I shall bear legal and financial responsibility for such violations and shall compensate for actual damage, loss profit and future loss which the Company or its affiliates may incur due to such violations. In case of dispute resolution, the Company has a right to recover all costs and expenses (including, court costs, fees, attorneys' fees). The Company may in its sole discretion seek injunctive relief or specific performance to the extent feasible, as to estop unlawful conduct of employee.**

**4 – Arbitration.** Any dispute arising out of the formation, performance, interpretation, nullification, termination or invalidation of this Contract or arising therefrom or related thereto in any manner whatsoever, shall be settled by Dubai International Arbitration Centre (DIAC) in accordance with the provisions set forth under the DIAC Arbitration Rules.

 The arbitration proceeding shall be carried out by One (1) impartial and independent of the Parties arbitrators. The place of the arbitration shall be Dubai, United Arab Emirates. The arbitration shall be in Russian or English subject to confirmation by both Parties.

The arbitration award shall be final and binding on both Parties.

The governing law shall be the UAE law without regard to its conflict or choice of law rules.

**5 – The Signatory hereby confirms it has meaningful opportunity to review the Agreement, so that the rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.**

If any provision of this Agreement is held to be illegal, invalid or unenforceable, that provision shall (so far as it is illegal, invalid or unenforceable) be given no effect and/or shall be deemed not to be included in this Agreement in that specific case only, but that shall not affect the legality, validity or enforceability of any other provision hereof.



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Any failure by the Parties to exercise any right herein or the partial exercise of such a right shall not act as a waiver nor preclude the subsequent exercise thereof.

I signed this document unconditionally and with entire will that includes the present undertaking before the below mentioned witnesses.



This Agreement is signed in two originals in Russian and English language, one original for the Company and another original for me.

This Agreement shall be effective from the moment of its signing and terminate upon 5 (Five) years after the end of employment or other relationship with the Company, unless otherwise agreed or inherent to the relationship.

For our approval and acceptance of the terms and conditions of the present undertaking, I personally put my signature herein below.

Employee:

On behalf of the Company (AAL Group Ltd)

Name: Paul J Daigle  
(read and agreed)

Name: Oleg Fide'skiy  
Designation: General Manager

Signature: [Handwritten Signature]

Signature: \_\_\_\_\_

IN WITNESS WHEREOF, the following person(s) - witnesses put his/her/their signatures forward hereto at the date and place first mentioned above to confirm the authenticity of the above two signatures of the Parties hereto. The witness(es) hereby warrants the authenticity of signatures under the penalty of perjury. The witnesses are in no way beneficiaries hereunder, the independence and prejudice of witness(es) are not questioned.

Witness

Witness

Name: Cassey Walker

Name: \_\_\_\_\_

Signature: [Handwritten Signature]

Signature: \_\_\_\_\_

[Handwritten initials]

Massive Alabama crowd supports Donald Trump - WBRC FO... <http://www.wbrc.com/story/31336683/sen-sessions-endorses-...>

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# Massive Alabama crowd supports Donald Trump

Published: Sunday, February 28th 2016, 1:02 pm CDT  
 Updated: Sunday, March 27th 2016, 12:02 pm CDT

By WAFF 48 Digital Staff | [CONNECT](#)

MADISON, AL (WAFF) - Lines of supporters ready to listen to presidential candidate Donald J. Trump formed early Sunday morning, quickly swelling within a matter of hours.

More than 20,000 Donald Trump supporters received tickets to Sunday afternoon's event. Although an official tally of attendees has yet to be announced, many swarmed into the city of Madison during his visit to the valley campaigning just two days before the Alabama primary.

Sunday's rally had originally been scheduled to be held at Black Hall Aerospace off Wall Triana Highway, however after meeting with city and public safety officials, campaign organizers decided to move the venue.

There were 100-plus members of law enforcement at Sunday's rally.

## PHOTOS: Trump Rally in Madison

Trump tweeted shortly before landing that he had a "big surprise announcement" in store for the audience. Shortly after reaching the stage, Trump welcomed Senator Jeff Sessions to the microphone, who then officially announced his endorsement of the candidate.

"He is dedicated to leading this country in an effective way," Sessions said.

Trump's rally comes just under 24 hours after one held by Republican challenger Marco Rubio. Some Rubio supporters held signs reading 'Dump Trump,' and protesters seen just off-site from the Trump rally held signs with that and other anti-Trump slogans.

A warning broadcast on the public address system ahead of Trump's arrival anticipated anti-Trump protesters within the crowd, and encouraged supporters to signal the presence of protesters by shouting "Trump, Trump Trump!" to signal security.

Shortly after Sessions left the stage, Trump directly addressed someone in the crowd and told security to "Get him out of here... if never fails."

At least two more protesters were led off by security, who apparently carried "Black Lives Matter" signs.

"All lives matter," Trump said as the crowd booed those being led out. "We have to love everybody."

As Trump settled into his prepared remarks, he took aim at his fellow Republican and Democratic contenders in the presidential race.

"Hillary [Clinton] shouldn't even be allowed to run," he said. "She broke the law."

Trump also reiterated his strong opinions on topics such as the proposed wall he wants to build between this country and Mexico, as well his desire to increase strength in liberal laws against media who he says create "hit pieces."

He affirmed his desire to re-establish a stronger U.S. military, and said that priority one is "we take out ISIS," among a series of cheers.

Trump also promised the crowd that "we are going to get our jobs back."

"I believe he can build America up great again," said supporter Belinda Wilkerson.

Wilkerson works 40 hours a week, but the last few weeks have been difficult, she explained.

"I work hard, and I know I don't have a college education to earn what my daughter does," said Wilkerson.

Wilkerson works as a custodian only making \$12 an hour and needs every penny she earns.

"I don't like giving my tax money to people that can be working," Wilkerson explained.

Now, she's working toward a better life and turning to this man to help.

Sunday, Trump's focus was on immigration, jobs, education and much more.

"We take out ISIS number one, we take out ISIS," said Trump.

The rallies are an eleventh-hour push to garner favor with voters ahead of Super Tuesday, when Alabama and a dozen other states hold their primary elections.

"The biggest thing... you've gotta go out and vote Tuesday," Trump stressed. "I want a resounding vote. You've gotta knock the hell out of everybody."

Trump finished his 1.5 hour long speech encouraging folks to vote.

"We are going to protect our country militarily, we're going to protect our country," said Trump.

And for Wilkerson, it's exactly what she wanted to hear.

"I believe in helping other countries, but we need to start at home," said Wilkerson.

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CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W. NEWSOME; and  
NEWSOME LAW, LLC,

*Plaintiffs,*

vs.

CLARK ANDREW COOPER, *et al.*,

*Defendants.*

CASE NO. CV-2015-900190

OBJECTION TO DEFENDANT BALCH & BINGHAM, LLP'S REQUEST TO SEAL  
THE RECORD AND/OR FOR PROTECTIVE ORDER

COME NOW the Plaintiffs, Burt W. Newsome and Newsome Law LLC ("Newsome") and for Objection To Defendant Balch & Bingham, LLP's Request To Seal the Record and/or For Protective Order states the following:

1. Balch & Bingham, LLP (or "Balch") seeks a Protective Order and/or Sealing of the Record in the matter at bar. Unfortunately, Balch is using this case to attack a Consumer Advocacy Group named Consejo de Latinos Unidos (or "CDLU") for exposing and reporting on Balch's successful lobbying efforts to change Russian sanctions imposed by President Obama for a Russian linked company and CDLU's call for both Congress and the Trump Administration to ban Balch from lobbying either branches of government. See [www.banbalch.com](http://www.banbalch.com) and Exhibit "1".

2. Per Politico, Balch lobbied for the Russian linked company AAL USA, Inc. a/k/a Black Hall Aerospace, Inc. (or "Black Hall") - an aerospace company located in Huntsville, Alabama. According to an online publication, Black Hall went from generating income of \$6.5 million in 2014 with 15 employees to generating income of over \$100 million in 2016 with over 450 employees. See Exhibit "2". Likewise, according to a court filing, Black Hall had less than \$1 million in revenue in 2014 with

## DOCUMENT 887

fewer than 20 employees in 2014 but grew to over 400 employees and \$50 million in revenue by 2016. See Exhibit "3". This enormous revenue growth has raised serious concerns of alleged corruption as multiple investigations of ties between the Trump Administration and Russia are ongoing by both Congress and the Federal Bureau of Investigation.

3. According to the Center for Responsive Politics, Balch received \$320,000.00 in lobbying fees between 2014 and early this year from the Russian linked company Black Hall. Balch boasted on its website as to how it had successfully worked to change specific provisions to sanctions imposed against certain Russian companies.

4. On or about March 2, 2017, Balch deleted their website language discussing their success in eliminating Russian sanctions for a Russian backed company operating in Huntsville, Alabama. The CDLU uncovered this fact and went public on March 6, 2017, writing that Balch had "deleted (the Russian sanctions) content and replaced it with new blasé language." In addition, Balch's Chief lobbyist changed his resume, deleting all references to Russian sanctions. See Exhibit "4".

5. According to aviationintelligence.org, AAL USA, Inc. a/k/a Black Hall is currently involved in heavy litigation both in Madison and Jefferson Counties. At one point, AAL Group was seen as the parent of AAL USA, Inc. which owned Black Hall Aerospace, Inc. Then, AAL Group, based in the UAE, sold AAL USA, Inc. to Oleg Sirbu, a Soviet-born immigrant. AAL USA, Inc. set up Black Hall Aerospace, Inc. to have the company run out of the United States and run by a U.S. management team.

6. U.S. Management is now accused of stealing the assets of company and



DOCUMENT 887

implementing a fraudulent scheme to steal millions of dollars from AAL USA. On January 24, 2017, according to Politico.com, the Russian linked company, Black Hall Aerospace, Inc. (formerly AAL USA, Inc.) terminated their lobbying contract with Balch. However, on February 15, 2017, a new entity, Black Hall Aerospace, LLC, made up of the alleged corrupt U.S. Management team, hired Balch as their lobbyist. See Exhibit "5".

7. In addition, Balch attempts to assert is it not seeking a sealing of the record but its request to this Honorable Court is much broader than that of a standard protective order. It seeks the sealing of all "deposition testimony of the parties and the documents that are introduced as exhibits and/or produced in response to the deposition notices in connection with this action." This amounts to a sealing of the record to which Balch is judicially estopped from seeking. As clearly set out in *New Hampshire v. Maine*, 121 S.Ct 1808 (2001), the Supreme Court of the United States stated:

Where a party assumes a certain position in a legal proceeding and succeeds in maintaining that position, he may not thereafter, simply because his interests have changed, assume a contrary position... This rule, known as judicial estoppel, generally prevents a party from prevailing in one phase of a case on an argument and then relying on a contradictory argument to prevail in another phase.

See Exhibit "6".

As this Court is aware, Plaintiffs originally filed this case under seal. Balch and Bingham and Cooper filed an objection stating, "While Plaintiffs couch their motion as a prophylactic measure to protect the reputations of the attorneys involved in this lawsuit, neither Cooper nor B&B request such protection, and desire that this action remain unsealed as is clearly favored by Alabama law. All the other Co-Defendants joined in support of Balch's motion to unseal the record and this Court entered an Order unsealing the record. The Court, under the doctrine of judicial estoppel, is estopped from granting

DOCUMENT 887

the relief Balch now seeks in direct contradiction to Balch's earlier position in this same case. See Exhibit "7".

8. Balch also seeks, in its request for sealing the record, that the Plaintiffs not be allowed to copy the personnel file of Clark Cooper. As the Supreme Court of Alabama stated in *Dixon v. The Club*, 408 So.2d 76 (Ala.1981):

When this Court provided for the right of production of documents by discovery, it coupled that with the right to inspect, the right to copy. See *Rule 34 A.R.C.P.* It recognized that the right to inspect is of questionable value without the right to copy.

9. The CDLU is an independent charity organization. It is not party to this litigation and is not associated with any of the parties in this litigation. A request to seal the record in this case by Balch in an effort to attack a public charity is not a valid ground for this Court to grant such a motion. Balch has repeatedly mischaracterized statements written by CDLU to this Court. See Exhibit "8".

10. There are other problems with Balch's proposed order. Paragraph 6 states that counsel must take "all steps reasonably required to protect (the documents) confidentiality." This means that counsel cannot even show the witness confidential information and ask him about it. Such an order would be absurd on its face. Paragraph 11 of Balch's proposed order uses the "sole discretion of the Court" standard. This is not a recognized legal standard. A Circuit Court has "discretion", but it is subject to abuse.

11. Balch's and the Plaintiffs' financial information including tax returns, revenue information, etc. and parts of Cooper's personnel file are proper categories for a protective order and a proposed Order is attached.

WHEREFORE, as a result of all of the above mentioned, Plaintiffs pray that this Honorable Court will enter its proposed protective order and deny Balch's Motion for

DOCUMENT 887

Protective Order/Seal the Record which is in reality a thinly veiled attack on CDLU for exposing Balch's Russian connections and Balch's ties to Attorney General Sessions. See Exhibit "9".

Respectfully submitted this the 11th day of May, 2017.

/s/ Burt W. Newsome

Burt W. Newsome

Additional Counsel to Plaintiffs

NEWSOME LAW, LLC

194 Narrows Drive

Suite 103

Birmingham, AL 35242

Phone: (205) 747-1970

Fax: (205) 747-1971

#### CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of May, 2017, I have served a copy of this document on the following counsel of record by electronic filing and by placing a copy of same in the United States Mail, postage prepaid and properly addressed:

S. Allen Baker  
Balch & Bingham  
1901 Sixth Avenue North  
Birmingham, AL 35203

James E. Hill, Jr.  
Hill, Weisskopf & Hill  
Moody Professional Building  
2603 Moody Parkway, Suite 200  
Moody, AL 35004

Robert Ronnlund  
P. O. Box 380548  
Birmingham, AL 35238

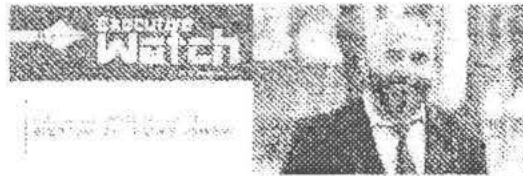
/s/ Burt W. Newsome

Burt W. Newsome

<http://www.justhelicopters.com/ArticlesNews/CommunityArticles/tabid/433/Article/99012/Executive-Watch-Paul-Daigle-of-AAL...>

Nov 07 2016 Executive Watch - Paul Daigle of AAL USA/Blackhall Aerospace (<http://www.justhelicopters.com/ArticlesNews/CommunityArticles/tabid/433/Article/99012/Executive-Watch-Paul-Daigle-of-AAL-USA/Blackhall-Aerospace.aspx>)

Posted 161 days ago ago by jbradmin



Paul Daigle, the CEO of multi-service aviation company AAL USA Inc. based in Huntville, Alabama, has been breaking through this profile interview for almost an hour. His answers and observations have been delivered with insight, candor, humor, and without hesitation. He's offered a plethora of quotes and the end of the conversation is now near. Only a softball question remains—lobbed slow and high. It should be right in his wheelhouse:

*What accomplishment are you most proud of?*

Daigle stops talking. A long pause follows. The silence continues. Apparently the softball was a knuckleball. Finally, he hesitantly attempts an answer: "I don't know, that's a hard one. I can talk about almost anything else, but I really don't like talking about things that I've done well."

What? Every facet of the interview so far has touched on things Daigle's done well. It's been one makin' success after another. However, the victories discussed have been ones that mostly involved teamwork. This last question had the word "you" in it, and perhaps that has thrown Daigle into focusing on himself in a prideful way. He doesn't like to do that. Such introspection means he may see the shadow of inner demons he's fought to conquer.

He eventually answers in depth with an honesty that is simultaneously humble and bold. But to gain proper perspective, we first go back in time....

Paul Joseph Daigle was born in South Carolina and grew up in Florida, the oldest of seven siblings in a large Catholic family of Celtic heritage. The family's neighbor was a Delta Airline pilot and a mentor to Paul's younger brother, who became a Delta Airlines pilot himself. The neighbor regaled the boys with stories from "back in the airline glory days," says Daigle. "So I was aware of aviation growing up." Still, in the late 1990s Daigle joined the Junior Reserve Officer Training Corps (JROTC) in high school with the goal of eventually becoming an infantry officer. "I wanted to kill bad guys and blow up their s---. I thought that was like the American dream," he says.

After high school, Daigle next attended Clemson University on an ROTC scholarship. It was during his junior year that an Army captain convinced the student that he could fulfill even more dreams from the air, so he pursued a new goal and was eventually selected for training as an aviation branch officer. The 9/11 terrorist attacks happened while Daigle was still on campus. "I know what I was going to be doing with my life," he says.

#### **Army Times**

Two days after graduating in 2002 with a bachelor's degree in political science, Daigle showed up for flight school, and next went from there to Fort Hood, Texas. "It was 2004 and my first wife had just found out that she was pregnant," says Daigle. "I was only at Fort Hood long enough to get her a house, and then I was off to Tajikistan with my unit."

Now a patrol leader and air mission commander, his first combat tour was eight months. "Combat is 90 percent boring—just flying in circles, and 10 percent of the worst that could ever happen, but I had the opportunity to fight in some cool places (including the Battle of Fallujah). Being an air mission commander of a team of Apaches is probably the coolest thing that anyone could ever do." He also gained knowledge that would later serve him well in his future civilian career. "I was very tied into aircraft maintenance. I'd go fly with my warrant officers for up to eight hours, and then I'd go spend the rest of the day on the flightline. I valued my maintenance guys and I developed a very sound understanding of maintenance operations."

He returned back to the States just in time to see his first son born. "Two weeks after his birth, we started training again," he says. "We were back home for 12 months, but I think I was actually at home with my family for four of them." In 2006 he deployed back to Iraq a few months prior to the surge. He didn't return until early 2008. "I got divorced during that one," he observes. "It happened to a bunch of us."

He then bounced around bases in Texas, North Carolina, and Alabama, before being deploying to Afghanistan in 2009 with the 82nd Airborne Division. After being there four months, he was sent home on emergency leave and medically discharged a year later.

<http://www.justhelicopters.com/ArticlesNews/CommunityArticles/tabid/433/Article/99012/Executive-Watch-Paul-Daigle-of-AAL...>

Daigle tallied up about 1,600 combat hours during his tour, but logged almost 22,000 hours in a non-combat role. He insists, "I was definitely better at that than I was at actually flying." The combat veteran earned multiple valorous awards during his time in service, including an Air Medal and an Army Commendation Medal, each with "V" device, as a result of his heroism on the battlefield.

#### Home in Huntsville

Return to civilian life began for Daigle with a job at an Army program office in the "Rocket City" of Huntsville, Alabama. Before long he was program integrator for all non-standard rotary-wing aircraft programs supporting the Afghan Air Force and their U.S. Air Force mentors. "I walked in there with zero contracting background and zero understanding of the specific aircraft, but I had an understanding of how to work with people—basic human being stuff."

Surprisingly, that can make you very successful at your job." He demurs when asked if his international experience in the military and multilingual skills helped him succeed in Uncle Sam's program office. "You basically have to know how to get along with others. If you learned how to read at an eighth-grade level (the level for military manuals), you can do strikingly well as a government employee or contractor," he says with good humor.

Daigle does eventually admit he worked at more than just getting along with others. "If a call came in from Afghanistan at 3:00 a.m., he took it without complaint. They'd apologize for waking me up, but just by my answering the phone and talking to them, they trusted me more. I also put in the extra time to learn." Furthermore, he volunteered to travel overseas to see issues in the field.

Frustration with government bureaucratic inertia ultimately pushed Daigle into the private sector. He signed on with AAL Group, a privately held company based in the United Arab Emirates (UAE) that had pursued him for some time. They finally won over their target when they agreed to set up shop for him in Huntsville.

The new office started with Daigle, his now (and pregnant) wife Melissa, and another employee managing a handful of government contracts. Their revenue grew so steadily that in 2014 AAL Group's impressed board of directors met with Daigle to ask if he could increase their Huntsville business even more. He explained they were handicapped because AAL Group was a foreign-owned company, and that was shutting them out of new contracts. He believed the office had hit its apex.

Upon hearing this, the board began speaking to one another in Russian. They then turned to Daigle. "We've got two Americans in this company. We would like to offer you two the opportunity to buy the U.S. office as a franchise, so that it will be 100 percent American owned." Needless to say, Daigle and his partner were stunned. It was uncommon for Eastern Europeans and Russians to cede control. Surely, there was a catch? The board explained that, from their perspective, AAL Group would benefit much more from diversification and teaming arrangements with a U.S.-owned franchise, rather than retaining ownership of Daigle's small programmatic office. As the new "AAL USA" grew itself under Daigle's leadership, the value of AAL Group would likewise increase. It would be a win-win for everyone. "They told me to get my own contracts, make my own money, and best wishes," says Daigle. "I accepted the challenge."

#### Fast Growth

So far that challenge has been met on a scale William the Conqueror would admire, and with a speed that would challenge sprinter Usain Bolt. AAL USA opened in 2014, clearing approximately \$6.5 million with 15 employees. Today, over 450 work for the company, and just two government contracts alone provide over \$100 million annually. To achieve such explosive growth, Daigle and his team have taken risks, including entering into a long-term lease for a 62,000-square-foot hangar certified to NFPA 409 standards at Huntsville International Airport. It allows for full GFRG approval to service all military and commercial aviation assets, and is designed as a mixed-use helicopter and fixed-wing maintenance, repair, and overhaul facility. They also have acquired facilities in the UAE and Afghanistan.

Furthermore, just last month the company received another accolade. AAL USA is now the Huntsville Technology Small Business of the Year. For an area brimming with technology startups and stalwarts, that is no small feat.

#### Company Culture

AAL USA strives to be fearless, competent, professional, fearless, rewarding, and fun. The company culture encompasses four qualities:

- ① There are no unnecessary restrictions.
- ② Innovation is encouraged.
- ③ Success is recognized and rewarded.
- ④ Those at the top work the hardest.

Daigle's normal daily routine underscores that last point. Now with three children in the house, his couple 3-month-old daughter usually awakens her parents between 5:30 and 6:00 every morning. After fixing his kids breakfast, Daigle begins checking email. It's a task he better jump on early—he normally receives 400 to 500 emails throughout the day that require his attention.

He then arrives at company headquarters around 8:00 and works nonstop. "I'm a very active CEO," he says, and in addition to holding at least one senior staff meeting a day, he also creates spreadsheets, writes proposals and composes contract letters, placing special emphasis on writing well. "I tell everyone in the company that everything we do has to be 'sexy,' meaning that it has to be clean with good punctuation and grammar. It always matters how things look."

While Daigle hasn't taken a lunch hour in five years, his assistant invariably comes into his office around 2:00 to remind him to drink water and breathe, at which time she also brings him calories so he can continue being a computer commands until he leaves the office around 7:30, in time to put his kids to bed. Next, he exercises: staying fit and participating in sports (The company employs nearly one-third of the Huntsville rugby team.) are a priority. Afterwards, he collapses on the couch, eats, and passes out, he somewhat jokes. He reads a few minutes of fantasy fiction in the genre of George R.R. Martin's *Game of Thrones* before sleep. "It's Celtic man-com," he laughs, but it relaxes him. The next day is rinse and repeat.

In addition to action, another escape for Daigle and his family are international vacations. My wife and I want our kids to see how other cultures live; we think it will make them better people. The first time I went outside the country is when I went to Iraq. When you've been deployed as much as I have, first-world problems really don't mean anything."

**Proudest Accomplishment**

The reason those problems don't rattle Daigle brings us back to the beginning of this profile and that struggle to talk about his proudest accomplishment. Acknowledging that achievement requires him to also acknowledge personal suffering, as the strands of accomplishment and suffering are intertwined into one cord. For too many of his friends, the strand of suffering prevailed and strangled them in despair. However, Daigle managed to climb the combined cord to a more hopeful place. This is his answer.

*"After what I've been through on my multiple (military) deployments, losing friends and having some burden of killing people—or, worse, not being able to save people—seeing the consequences of war, and spending time with widows, what's important to most people is not important to me. I don't really judge myself by accomplishments or things I've done. For guys like me, and other veterans who have been through some of the darkest places in their lives, just getting through the day can be hard."*

*"The reason I was medically discharged from the Army was because I was diagnosed with PTSD (Post Traumatic Stress Disorder). It happened after my first deployment, and I hid it. Then they figured it out when I started experiencing panic attacks again in 2003. Getting through the day was a struggle. I thought I was making my condition better by staying focused on the mission and fighting, pouring all of my resources and soul into the mission. Professional counselors later told me that I was just making it worse, that I instead had to address my feelings. I've lost a lot of friends and colleagues to suicides... a lot of them. So the fact that I'm still here, with a great job and an amazing family, I think is a pretty big accomplishment."*

*"I know I'm still pouring all of my life into other people and into this company, but this is what I do to survive. If I can share my struggles and make an impact on one person's life, that's an accomplishment right there."*

*"Every day is an accomplishment."*

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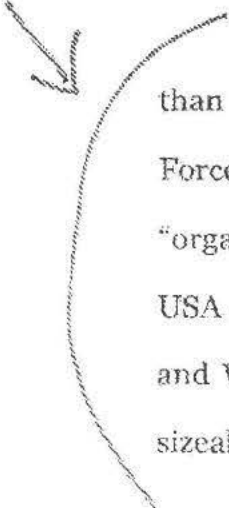


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DOCUMENT 87

overhauls, and multiple equipment and materials purchases for AAL Group contracts. As many of AAL Group's contracts with the U.S. Government began to run out, in 2014, TMI Solutions, Ltd. transferred 100% of the shares in AAL USA to Sirbu.



When Sirbu became the owner of AAL USA, it was a small business with fewer than 20 employees and less than \$1 million in revenue. At the same time, the U.S. Air Force began, more and more, to choose contractor logistics support ("CLS") over "organic support." Sirbu guided and tasked Daigle through the process of having AAL USA compete for contracts as both subcontractor and prime contractor. Before Daigle and Woolford's fraudulent scheme was put in place, Sirbu had grown AAL USA into a sizeable business with over 400 employees and close to \$50 million in yearly revenue.

**B. Daigle and Woolford's fraudulent scheme**

No later than 2015, Daigle and Woolford, at times using corporate entities as fronts, began to execute a scheme to defraud AAL USA, to siphon off AAL USA's assets, to usurp AAL USA's opportunities, and to destroy AAL USA. The breadth of the fraud and self-dealing is staggering.

For example, in August 2016, Daigle went to Kabul, Afghanistan, to meet with program officers on the Aerial Intelligence, Surveillance And Reconnaissance ("SS-AISR") and CLS contracts. This was done through Leidos, which was associated with Lockheed Martin. Soon after his visit, a Leidos/Lockheed Subcontract Administrator then sent a letter to AAL USA regarding "Subcontractor Denial of Outside Continental United States (OCONUS) Base Access." The letter stated that Army Contracting Command - Aberdeen Proving Ground had notified Leidos that AAL USA could not perform OCONUS requirements. The letter included a request that AAL USA provide Leidos with a plan going forward within the next three business days.

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CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION

AAL USA, INC. )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BLACK HALL, LLC; CORVIS ARROW, LLC; )  
COLD HARBOR CERTIFICATIONS, INC.; )  
HINDSIGHT COFFEE, LLC; PAUL DAIGLE; )  
KEITH WOOLFORD; IBERIABANK )  
CORPORATION; IBERIABANK; )  
SERVISFIRST BANK; and FICTITIOUS )  
DEFENDANTS A-N. )  
 )  
Defendants. )  
 )  
 )  
 )

Case No.  
01-CV-2016-904241.00

AAL USA, INC.'S FIRST AMENDED COMPLAINT

AAL USA, INC. ("Plaintiff" or "AAL USA") amends its complaint to add claims against ServisFirst Bank ("ServisFirst"). In addition, on December 2, 2016, AAL USA dismissed, without prejudice, its claims in this action against Black Hall Aerospace, Inc. ("BHA"). This First Amended Complaint is AAL USA's complaint against Black Hall, LLC ("Black Hall, LLC"), Corvis Arrow, LLC ("Corvis Arrow"), Cold Harbor Certifications, Inc. ("Cold Harbor"), Hindsight Coffee, LLC ("Hindsight"), Paul Daigle ("Daigle"), Keith Woolford ("Woolford"), IberiaBank Corporation, IberiaBank, ServisFirst, and Fictitious Defendants A-N.

I. INTRODUCTION

This is the story of an attempted heist. It begins with the most American of stories – a person moving to the United States to study, becoming a naturalized U.S. citizen, and working to become a successful businessperson. But the Defendants,



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through fraud and breaches of their fiduciary duties, and with a stunning greed and brazenness, are in the process of destroying all that has been built. Daigle and Woolford, using various corporate entities, have begun implementing a fraudulent scheme to steal millions of dollars from AAL USA, to usurp corporate opportunities that are too complex and valuable to be calculated, and to destroy the goodwill and reputation of AAL USA. They must be stopped before it is too late.

A. Oleg Sirbu comes to America and begins to work for AAL Group

In 1999, Oleg Sirbu ("Sirbu") moved to the United States to study, successfully completing his bachelor and master's degrees. Initially, Sirbu worked with the United States Holocaust Museum. He took a job as government contractor with DynCorp International in 2007. He became a U.S. citizen in 2008. While at DynCorp, Sirbu's job and skills required him to support a U.S. Government program that was considered classified. Sirbu was permitted access to classified information for his job and was issued a personnel security clearance. Working in an industry related to the Russian-made Mi17 helicopter, through DynCorp, Sirbu was introduced to AAL Group PLC ("AAL Group"), which ultimately resulted in Sirbu going to work for AAL Group in Dubai. AAL Group then began performing on US Government contracts in the Middle East.

In February 2010, AAL Group created AAL USA as a subsidiary. AAL USA's shares were held by TMI Solutions, Ltd. In October 2011, Daigle joined AAL USA as Vice-President. Later, in 2013, AAL USA hired Woolford as finance manager, and by 2015 Woolford had become the Chief Financial Officer.

AAL USA helped AAL Group with bids and program management, including the Northrop Grumman CNTPO Contract Logistics Support Task Order 20, SES-I Mi-17

TED W. LIEU  
33RD DISTRICT, CALIFORNIA

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**House of Representatives**  
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May 10, 2017

The Honorable Rod Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Deputy Attorney General Rosenstein:

We are writing to request that you appoint a special prosecutor to investigate possible collusion between the Donald Trump for President Campaign and Russia. As you know, Attorney General Jeff Sessions recused himself from all matters related to the Russian collusion investigation. On April 4, 2017 we wrote a letter to then Acting Deputy Attorney General Dana Boente requesting appointment of a Special Counsel. Before Mr. Boente could respond, you were confirmed as Deputy Attorney General. We are now renewing our request to you for appointment of a Special Counsel.

As former prosecutors, we know that governmental investigations must be independent and free of conflicts of interest. Because you serve at the pleasure of the President, it is our belief that you have a conflict of interest and cannot exercise true independence into an investigation that may implicate the President. Moreover, your significant role in the firing of FBI Director James Comey—who was leading a counterintelligence investigation into possible collusion between Trump associates and Russia—has placed you into direct conflict with the FBI's counterintelligence investigation. Those are two of the reasons we request that you appoint a Special Counsel to investigate any collusion with Russia.

The disclosure that President Trump's first National Security Advisor, Michael Flynn, has asked for immunity provides a third reason why you need to appoint a special prosecutor. We support the ongoing investigations by the relevant committees in the House and the Senate, as well as the Protecting Our Democracy Act. Congress, however, cannot grant immunity from prosecution on behalf of the Department of Justice.<sup>1</sup> Only the Department can make that decision, which is why we need a Special Counsel to decide.

Based on the above reasons, we believe that Title 28 of the Code of Federal Regulations (CFR) requires you to appoint a Special Counsel. Section 600.1 states:

---

<sup>1</sup> We note that in the Watergate scandal, White House Counsel John Dean was granted use immunity from the U.S. Senate and also prosecuted by the Department of Justice.

The Attorney General, or in cases in which the Attorney General is recused, the Acting Attorney General, *will* appoint a Special Counsel when he or she determines that criminal investigation of a person or matter is warranted and—

(a) That investigation or prosecution of that person or matter by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department or other extraordinary circumstances; and

(b) That under the circumstances, it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter.” CFR § 600.1 (emphasis added).

The factors set forth in Section 600.1 of the CFR are met in this case. The investigation into possible Russian collusion may implicate President Trump and Attorney General Sessions. Your present position is dependent on the President not firing you. President Trump has shown no hesitation in firing Department of Justice officials who stand up to him, as demonstrated by his firing of Acting Attorney General Sally Yates, US Attorney Preet Bharara and now FBI Director Comey. You have a built-in-conflict of interest and cannot exercise independence for an investigation that may implicate either of your bosses (the Attorney General or the President of the United States), upon whom you depend for your employment.

Your significant role in the termination of FBI Director Comey also places you into a conflict situation with the FBI's counterintelligence investigation and presents an extraordinary circumstance. It would be reasonable to assume FBI counterintelligence agents—who are investigating the President's associates and perhaps the President himself—may no longer trust you because you helped fire their leader at the bidding of the President.

The public interest also demands that a special prosecutor be appointed. There is no more important matter to our nation than the issue of whether or not the Trump campaign colluded with Russia. At stake is the legitimacy of the Presidency and whether high crimes occurred. In the Watergate scandal, there were investigations both by Congress as well as a special prosecutor. In Watergate, Democratic National Committee (DNC) documents were stolen but never revealed to the public in an attempt to alter an election. In this case, DNC emails were stolen and disclosed to the public by the Russians. If the Trump campaign colluded with the Russians, then the scale of the current scandal would be far greater than Watergate.

The astonishing development that President Trump's former National Security Advisor is seeking immunity adds urgency to our request. As former prosecutors, we know that people normally request immunity if they believe they have committed, or are likely to be prosecuted for, a crime. We need a Special Counsel who can exercise true independence in the Russia collusion investigation and make decisions on issues such as immunity, whether the request comes from General Flynn or potentially other witnesses.

We ask you to follow the Code of Federal Regulations and appoint a Special Counsel to investigate possible collusion between the Trump campaign and Russia. Thank you for your attention to this critical matter.

Sincerely,



**Ted W. Lieu**  
Member of Congress



**Kathleen Rice**  
Member of Congress



**Stacey Plaskett**  
Member of Congress



Congress of the United States  
House of Representatives

May 19, 2017

Hon. Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Rosenstein,

I appreciate your appointment of a Special Counsel to investigate Russia's involvement in the recent U.S. presidential election. I ask, however, for your consideration of several concerns and recommendations about the appointment itself and the course of the investigation.

I trust this investigation will be an all-encompassing review of the alleged role of Russian interference in our Nation over the course of the recent Presidential election, not just an examination into the Trump Administration. Additionally, I'm sure I'm joined by many of my colleagues in the expectation that this inquest will be free of political, personal and professional bias. As such, I respectfully request timely response to the following issues:

1. While I recognize the commitment to service and country by former FBI Director Robert Mueller, I have some concern regarding his appointment. Given the professional and personal relationship between Mr. Mueller and former FBI Director James Comey, may I be assured of his impartiality in this investigation?
2. Are memos or notes retained by former Director Comey regarding conversations with and/or about President Trump, as well as President Obama, former Secretary of State Hillary Clinton, former Attorney General Loretta Lynch, former National Security Adviser Susan Rice, and former Chief of Staff to Secretary Clinton, Cheryl Mills being included in this review?
3. Why was the breach of Democratic National Committee (DNC) computers not investigated by the FBI?
4. Why, if – as the DNC claims – the Russians interfered with the presidential election, did they use “CrowdStrike,” a company co-founded by Dmitri Alperovitch that made questionable claims regarding Russian hacking of a Ukrainian artillery app, alleging heavy losses of Howitzers in Ukraine's war with pro-Russian separatists? Similar to the 2014 hack of Sony Pictures Entertainment, the FBI was asked to aid with the

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investigation into the cyberattack; with something as critical as our Nation's presidential election, why wasn't federal law enforcement involved?

5. With regard to the murder of DNC staff member, Seth Rich:

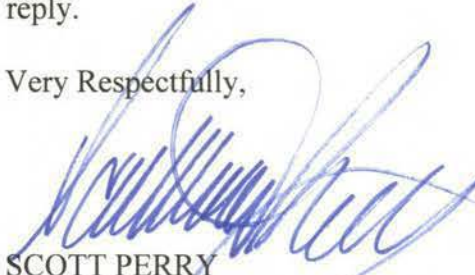
- a. Will the investigation include claims that he was leaking information about the impending election to WikiLeaks?
- b. What is the disposition of Mr. Rich's computer and the information therein?
- c. Were the DC Police told to "stand down" regarding any investigation?
- d. What is the status of the alleged surveillance video, including unnamed individuals in Mr. Rich's proximity immediately before his murder?

6. Are the relationships of former Secretary Clinton, John Podesta, the Clinton Foundation, the Clinton Global initiative, et. al, to Skolkovo, the Sea Change Foundation, Joule Energy, Uranium One, Soviet agents Anna Chapman, Cynthia Murphy, and anyone else with alleged ties to the Democrat Party and/or Secretary Clinton also being included?

7. Finally, who "unmasked" General Mike Flynn; specifically, who authorized it and what was the justification?

I truly appreciate your time and attention to this matter, as do I thank you for your tireless service to our Nation. I look forward to your reply.

Very Respectfully,



SCOTT PERRY  
Member, U.S. House  
4<sup>th</sup> District, Pennsylvania

RUBEN GALLEGO  
7TH DISTRICT, ARIZONA

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May 10, 2017

Rod J. Rosenstein  
Deputy Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

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Dear Mr. Rosenstein:

I write to express my profound concerns regarding President Trump's decision to fire FBI Director James Comey and, more specifically, your role in this matter.

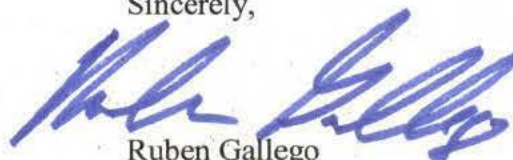
In your May 9<sup>th</sup> memorandum released by the White House as part of its announcement regarding Director Comey's dismissal, you state that the "reputation and credibility" of the FBI has been undermined by Director Comey's actions. The same can now be said of the Department of Justice because of yours.

The putative rationale for the decision to fire Comey simply defies credulity. Throughout the 2016 campaign, the President openly trumpeted the very things for which you criticize Director Comey in your May 9<sup>th</sup> memorandum, including the press conference in which Comey editorialized regarding Secretary Clinton's actions and the Director's late October decision to reopen the investigation. No reasonable American could possibly accept the explanation proffered by the President that Comey was fired because of his conduct over the course of the investigation into Secretary Clinton's private email server.

Your willingness to allow your words and your reputation to be used as cover for President Trump's decision to fire Director Comey has compromised your ability to oversee the Russia investigation. Moving forward, in order to restore the reputation and credibility of the Justice Department, it is imperative that you appoint an independent special counsel to investigate Russian interference in the 2016 presidential election and recuse yourself from further involvement in the matter.

I look forward to your prompt reply to this urgent matter.

Sincerely,



Ruben Gallego  
Member of Congress

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(b)(6) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

May 10 2017

Deputy Attorney General Mr. Rosenstein  
U.S. Department of Justice  
950 Pennsylvania Ave  
NW Washington, DC 20530-0002

Dear Mr. Rosenstein,

I'm writing to ask you Mr. Rosenstein, the deputy attorney general, to appoint an independent special prosecutor to investigate Russia's involvement with the Trump campaign and the 2016 election. His stated reasons for the firing of Comey make him look like a partisan instrument of the Trump administration and he has lost his credibility.

Sincerely,

(b)(6) [Redacted]



RODNEY P. FRELINGHUYSEN, NEW JERSEY, CHAIRMAN

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Congress of the United States  
House of Representatives  
Committee on Appropriations  
Washington, DC 20515-6015

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May 11, 2017

NANCY FOX  
CLERK AND STAFF DIRECTOR

TELEPHONE:  
(202) 225-2771

The Honorable Jefferson Sessions  
Attorney General  
U.S. Department of Justice  
Washington, DC 20530

Dear Attorney General Sessions:

We are writing to you regarding this week's announcement of the firing of James Comey, the Director of the Federal Bureau of Investigation (FBI). The timing of this announcement raises a number of important questions to which we, as the Ranking Members of the House Appropriations Committee and its subcommittee on Commerce, Justice, Science, and Related Agencies, need answers. Even though you have publicly stated your recusal from the investigation into the Trump presidential campaign's relationship with the Russian Government, we are concerned that this firing, which you recommended, will inevitably interfere with the FBI's ability to conduct a thorough and impartial investigation into this important matter.

We are deeply disturbed by a report that appeared in yesterday's New York Times, in which four congressional officials told the paper's reporters that "days before he was fired, [Comey] asked the Justice Department for a significant increase in resources for the bureau's investigation into Russia's interference in the presidential election". We conclude that because you have recused yourself from this matter, you should not be participating in any budgetary decisions regarding the resources needed for this investigation, and the FBI should have the ability to communicate directly to Congress regarding the funding needed for this investigation.

We take very seriously our responsibility to provide the Department of Justice with the resources it needs to effectively carry out its mission. We are also committed to exercising strong congressional oversight of the Department to ensure it is dedicated to the fair and impartial administration of justice for all Americans. Toward these ends, we request that you immediately provide us full and candid answers to the following questions:

1. When did Director Comey make a request for additional resources related to the investigation into Russia's interference in the 2016 presidential election? Was this request made to you, or to Deputy Attorney General Rod Rosenstein?

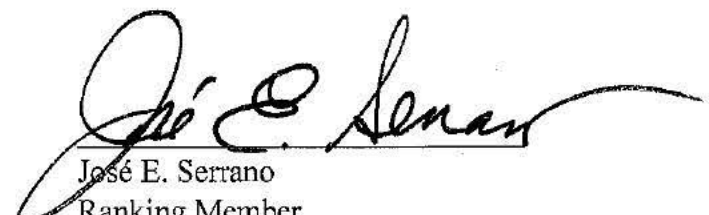
2. Did this request entail shifting funds from outside the FBI into the FBI, or did it entail shifting resources from within the FBI budget?
3. To what extent and in what amounts did this request involve resources from fiscal year 2017 appropriations? Prior-year appropriations? The Administration's fiscal year 2018 request?
4. Did you at any point participate in discussions regarding Director Comey's request for additional resources related to the investigation into Russia's interference in the 2016 presidential election? Have you participated in any discussions regarding the resources needed to fully and effectively investigate these matters?
5. At what point did you begin participating in deliberations on whether to recommend Director Comey's dismissal?
6. At what point did other Department of Justice officials or employees begin participating in deliberations on whether to recommend Director Comey's dismissal?
7. Since you have recused yourself from the investigation of former Secretary of State Hillary Clinton relating to her handling of sensitive e-mails, why is it appropriate for you to cite that investigation as a reason for recommending Director Comey's dismissal?
8. Since you have also recused yourself from the investigation into Russia's interference in the 2016 presidential election—an investigation in which Director Comey was involved—why is it appropriate for you to write a memo to the President recommending Director Comey's dismissal, especially before this investigation has been concluded?

We would appreciate your written responses to these questions by no later than May 15, 2017. Thank you for your prompt attention to this important matter.

Sincerely,



Nita M. Lowey  
Ranking Member  
House Appropriations Committee



José E. Serrano  
Ranking Member  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies

Cc: The Honorable Rod J. Rosenstein, Deputy Attorney General  
The Honorable Rodney Frelinghuysen  
The Honorable John Culberson

United States Senate  
Washington, DC 20510-1504

May 9, 2017

The Honorable Rod Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
Washington, DC 20530

The Honorable Daniel R. Coats  
Director of National Intelligence  
Washington, DC 20511

The Honorable John F. Kelly  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

The Honorable James B. Comey, Jr.  
Director  
Federal Bureau of Investigation  
Washington, DC 20535

Dear Deputy Attorney General Rosenstein, Secretary Kelly, Director Coats, and Director Comey:

I am deeply concerned that Russia may be responsible for the recent hacking attack on the campaign of French President-elect Emmanuel Macron, which suggests that Russian President Vladimir Putin is acting with impunity after the lack of accountability for Russia's act of cyber war against the United States during last year's election. Mr. Macron's victory in Sunday's election does not diminish the need for the Trump Administration to take this attack seriously and to work closely with the French government to bring the perpetrators to justice and prevent similar attacks from taking place in the future. I would therefore appreciate a detailed accounting of the Trump Administration's assessment of the attack on the French election and the Administration's response to this attack.

On October 7, 2016, seventeen U.S. intelligence agencies made a damning determination that a foreign adversary deliberately interfered in our election in support of its preferred candidate. The warnings and evidence were overwhelming and a harbinger of future such interference in our elections and those of our Western democratic allies. The conclusions were stark, that Russia would continue to try to undermine confidence in Western democracies and support candidates seen as sympathetic to weakening the Western security alliance. Tragically, a refusal to acknowledge and respond to this serious security threat has resulted in what may have been a Russian attack on the recent French election—and it also leaves our nations at great risk of future such attacks.

Early evidence reportedly points to Russian efforts to hack into the campaign of French President-elect Emmanuel Macron. His campaign called it a "massive and coordinated" hacking operation with the familiar potential to destabilize the election at the last minute. The attacks in France follow a similarly troubling pattern of Russian meddling in recent elections in Germany and the Netherlands and complement ongoing Russian testing and buzzing of Western military defenses in and around Europe. It is of course not surprising that such cyber acts of war continue given the lack of response by this current administration and Congress to the attack on the U.S. election. As one Polish security expert told me recently, the Russians will be watching to see how the United States responds to an attack on its election and will feel emboldened in the absence of any such action—and that appears to be what has happened.

Accordingly, I request responses to the following urgent questions:

- Does the Administration assess that the Russians launched cyber attacks and other acts of disinformation on the French election?
- Has the Administration publicly or privately condemned the Russian actions against the French and other Western elections?
- What has the Administration done to help the French and other Western allies identify and protect against Russian cyber and disinformation campaigns? What is it doing to warn and help allies of such future actions?
- What is the Administration doing to retaliate against such attacks?
- What is the Administration doing to thwart such attacks against future elections in the United States and to help U.S. state governments do the same?
- What is the Administration doing with Congressional leadership to pass appropriate legislation sanctioning Russia for its actions and preventing such attacks in the future?

Quite frankly it is the height of irresponsibility that President Trump still denies Russia's act of cyber war against our election. I fear that this troubling message from the top of the Administration has resulted in inadequate measures to help our allies and our own states protect against such future Russian attacks. Any such continued inaction and denial are a serious abdication of the Administration's urgent national security responsibilities and must be corrected.

Thank you for your time and consideration.

Sincerely,



Richard J. Durbin  
United States Senator

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United States Senate

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May 11, 2017

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Mr. Andrew G. McCabe  
Acting Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Re: Preservation Request Regarding Ongoing Senate Select Committee on  
Intelligence Investigation into Activities Involving Russia

Dear Deputy Attorney General Rosenstein and Acting Director McCabe:

The purpose of this letter is to follow our Committee letters of February 17, 2017 to Attorney General Sessions and Director Comey, and to notify you of the Committee's request that the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) preserve and retain all hard copies and electronically stored information as specified below in furtherance of the Committee's ongoing investigation into Russian actions targeting the 2016 U.S. elections and democratic processes globally. This request includes any communications FBI or DOJ, respectively, may have had involving Russian interests.

To ensure that a full and complete record of relevant communications will be produced to the Committee in response to a document request, the Committee requests that FBI and DOJ:

1. Preserve all written and electronically stored information relevant to the Committee's investigation. This includes, but is not limited to: e-mail, electronic documents, applications, and data ("electronic records") that can be reasonably anticipated to be subject to a request for production by the Committee; and
2. If it is the routine practice to destroy or otherwise alter such written or electronic records, either:
  - a. Put an immediate halt to such practices; or,
  - b. Arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

COMMITTEE SENSITIVE

**COMMITTEE SENSITIVE**

For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible. This preservation obligation includes a duty to halt any automatic or routine practice to destroy such electronic records.


We request that you respond in writing upon receipt of this letter.

If you have any questions about this request, please contact either Christopher Joyner, Staff Director, or Mike Casey, Minority Staff Director, at (202) 224-1700.

Sincerely,



Richard Burr  
Chairman



Mark R. Warner  
Vice Chairman

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
JENNIFER DUCK, *Democratic Staff Director*

May 12, 2017

**VIA ELECTRONIC TRANSMISSION**

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Honorable Andrew McCabe  
Acting Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

Dear Deputy Attorney General Rosenstein and Acting Director McCabe:

On Wednesday, May 3, 2017, the Senate Judiciary Committee held a hearing titled, *Oversight of the Federal Bureau of Investigation*. At the hearing, there were several matters discussed that require follow-up briefings for the Committee that the former Director committed the Bureau to providing.

In addition, on March 15, 2017, both of us received a briefing from former FBI Director Comey about the FBI's investigations of Russian interference in the 2016 election. We request that Mr. Rosenstein and/or Mr. McCabe, along with others who have firsthand knowledge of that briefing, provide a similar briefing to the rest of the Committee. Reportedly, the Select Committee on Intelligence received a briefing from Mr. Rosenstein on this yesterday. As the oversight committee of the FBI, it is important that the members of this Committee receive the same information.

Please contact Patrick Davis of Chairman Grassley's Committee staff at (202) 224-5225 and Heather Sawyer of Ranking Member Feinstein's staff at (202) 224-7703 by 5:00 p.m. today to schedule the briefings. Thank you for your immediate attention to these important matters.

Sincerely,

Charles E. Grassley  
Chairman  
Committee on the Judiciary

Dianne Feinstein  
Ranking Member  
Committee on the Judiciary

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216  
One Hundred Fifteenth Congress

May 9, 2017

Rod J. Rosenstein  
Deputy Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C., 20530

Andrew G. McCabe  
Acting Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C., 20535

Dear Deputy Attorney General Rosenstein and Acting Director McCabe:

In light of today's shocking decision by the President to fire FBI Director Comey, it is imperative that you take several immediate steps to protect the integrity of your investigations into Russian efforts to influence our recent election and related matters. First, we ask that any and all files, documents, memoranda and other materials involving the Department's and FBI's criminal investigation into matters related to Russian interference in our federal elections; collusion with individuals associated with the Trump campaign; and associated matters be preserved and placed off limits to any and all White House officials and staff and any other individuals, including Attorney General Sessions, who have recused themselves from the investigation. Second, we request that you preserve any and all files, documents, memoranda and other materials related to Director Comey's termination by the President, so that it may be subsequently reviewed by appropriate members of Congress, and in connection with any subsequent investigations.

We do not make this request lightly. However, the recent firing of Director Comey by a President, whose own campaign representatives and associates are under investigation for possible collusion with the Russian government, leave us with little choice but to call for these actions. Our request is even more important given that a series of White House efforts to influence the investigation and the media coverage of it have made it clear that the Trump Administration cannot be allowed to interfere any further in this investigation. This includes White House efforts asking the FBI to "knock down" White House-Russia stories earlier this year; separate efforts by the White House to leak information to Rep. Nunes so that he could seek to justify President Trump's unfounded accusations that President Obama "tapped" his phones; as well as the President's decision to fire Preet Bharara, the U.S. Attorney for the Southern District of New York who had jurisdiction over investigations involving Trump Tower,



even after the President promised Mr. Bahara he could keep his job. Unfortunately, we are also concerned about the continued involvement of the Attorney General in these issues, including his role in firing Director Comey. Our request takes on added urgency given that Mary McCord, the career prosecutor supervising the Russia probe has announced that she is departing this week.

Nothing less than the integrity of our leading independent law enforcement agency and the credibility of our democracy are at stake. We look forward to your response at your earliest convenience, and by no later than May 12, 2017 at the latest.

Sincerely,

John Conyers Jr.

Jurisd Muller

David N. Cicillini

Sheila Jackson Lee

Zoe Lof

Steve Coon

cc: Bob Goodlatte, Chairman, House Judiciary Committee